LAW No. 1,286

CRIMINAL PROCEDURE CODE

THE CONGRESS OF THE PARAGUAYAN NATION APPROVES WITH THE FORCE OF LAW
LAW:

PART ONE
GENERAL PART
PRELIMINARY BOOK
FOUNDATIONS
TITLE I
PRINCIPLES AND PROCEDURAL GUARANTEES

Article 1. **PRELIMINARY TRIAL.** No one may be convicted without a preliminary trial, based on a law prior to the proceedings, conducted in accordance with the rights and guarantees established in the Constitution, current international law, and the provisions of this code.
The proceedings shall observe in particular the principles of oral proceedings, publicity, immediacy, adversarial proceedings, economy and concentration, in the manner determined by this code.

Article 2. NATURAL JUDGE. The power to apply the law in criminal proceedings, judging and enforcing the judgement, shall correspond exclusively to the ordinary judges and courts, previously established by law. No one may be prosecuted or tried by special judges or courts.

Article 3. INDEPENDENCE AND IMPARTIALITY. Judges shall be independent and shall act free from any external interference, particularly from other members of the Judiciary and other branches of government.
In the event of interference in the exercise of their functions, judges shall inform the Supreme Court of Justice of the facts affecting their independence. When such interference comes from the Supreme Court of Justice itself or from any of its ministers, the report shall be forwarded to the Chamber of Deputies.
Judges shall assess both the circumstances favourable and unfavourable to the accused in their decision, with absolute impartiality.

Article 4. PRESUMPTION OF INNOCENCE. The accused shall be presumed innocent and shall be considered as such during the proceedings until a final judgment declares them guilty.
No public authority shall present an accused person as guilty or provide information to that effect to the media.
Objective reporting on the suspicion against the accused may only take place after the order to open the trial has been issued.

The judge shall regulate the participation of the media when mass dissemination could prejudice the normal course of the trial or exceed the limits of the right to receive information.

Article 5. DOUBT. In case of doubt, judges shall always decide in favour of the accused.

Article 6. INVIOLABILITY OF THE DEFENCE. The defence of the accused and the exercise of their rights shall be inviolable.
For the purposes of their procedural rights, the first act of the proceedings shall be understood to be any action taken by the prosecutor, or any action or proceeding carried out after the expiry of the established six-hour period.
The accused may defend themselves or choose a solicitor of their choice, at their own expense, to defend them.
If they do not appoint a defence lawyer, the criminal judge shall, regardless of the will of the accused, appoint a public defender ex officio.
The right to defence is inalienable and its violation shall result in the absolute nullity of the proceedings from the moment it is committed.
The rights and powers of the accused may be exercised directly by the defence counsel, except those of a personal nature or when there is an express reservation in the law or in the mandate.

Article 7. INTERPRETER. The accused shall have the right to an interpreter to assist in their defence.
When the accused does not understand the official languages and does not exercise the foregoing right, the judge shall appoint an interpreter ex officio, in accordance with the rules established for public defence.

Article 8. SINGLE PROCEEDING. No one may be prosecuted or convicted more than once for the same offence.
Proceedings that have been concluded may not be reopened, except for the review of sentences in favour of the convicted person, in accordance with the rules provided for in this code.

Article 9. EQUAL PROCEDURAL OPPORTUNITIES. The parties are guaranteed the full and unrestricted exercise of the powers and rights provided for in the Constitution, in current international law and in this code.
Judges shall uphold this principle and remove all obstacles that prevent or weaken its application.

Article 10. INTERPRETATION. Procedural rules that restrict personal freedom, limit the exercise of the powers conferred on the parties, or establish procedural sanctions shall be interpreted restrictively.

Analogy and broad interpretation shall be prohibited unless they favour the freedom of the accused or the exercise of their rights and powers.

Article 11. APPLICATION. Procedural rules shall not have retroactive effect, except when they are more favourable to the accused or convicted person.

Article 12. FAILURE TO OBSERVE GUARANTEES. Failure to observe a principle or guarantee shall not be used to the detriment of the person it protects. Nor may the proceedings be rolled back to earlier stages on the basis of a violation of a principle or guarantee provided in favour of the accused, except with his or her express consent.

Article 13. GENERAL PROVISIONS. The principles and guarantees provided for in this code shall be observed in all proceedings that may result in a criminal penalty or any decision restricting liberty.

TITLE II
ACTIONS ARISING FROM PUNISHABLE ACTS

CHAPTER I
CRIMINAL ACTION

Article 14. CRIMINAL ACTION. Criminal action shall be public or private. When it is public, it shall be exercised by the Public Prosecutor's Office, without prejudice to the participation granted to the victim by this code.
The exercise of public criminal action shall depend on the request of a party, only in those cases expressly provided for in the criminal code or in special laws.

Article 15. PUBLIC ACTION. Punishable acts shall be prosecuted ex officio by the Public Prosecutor's Office, as established in this code and in the laws.

Article 16. PARTY'S REQUEST. When the exercise of public criminal action requires a party's request, the Public Prosecutor's Office shall only exercise it once it has been made, without prejudice to carrying out the necessary acts to preserve the evidence, provided that they do not affect the protection of the victim's interests.
However, the Public Prosecutor's Office shall exercise it directly when the punishable act has been committed against an incapacitated person who has no representation, or when it has been committed by one of the parents, the legal representative or the guardian.
The request by the party shall allow for the prosecution of all participants.

Article 17. PRIVATE ACTION. The following punishable acts shall be prosecutable exclusively by private action:
1) physical abuse;

2) injury;
3) negligent injury;
4) threats;
5) medical treatment without consent;
6) trespassing;
7) invasion of privacy;
8) breach of confidentiality of communications;
9) slander;
10) defamation;
11) insult;
12) denigration of the memory of a deceased person;
13) damage;
14) unauthorised use of a motor vehicle; and
15) violation of copyright or inventor's rights.

In these cases, proceedings shall only be brought by complaint of the victim or their legal representative, in accordance with the special procedure regulated in this code.

Article 18. **LEGALITY.** The Public Prosecutor's Office shall be obliged to bring public criminal proceedings for punishable acts that come to its knowledge, provided that there is sufficient factual evidence of their existence.
When admissible, the criteria of opportunity established in this code shall apply.

Article 19. OPPORTUNITY. The Public Prosecutor's Office, with the consent of the competent court, may dispense with the criminal prosecution of offences:
1) when the proceedings concern an offence which, due to its insignificance or the reduced degree of blame of the perpetrator or participant, does not generate public interest in prosecution.
2) when the criminal code or laws allow the court to dispense with punishment.
3) when the penalty expected for the punishable act is insignificant in view of:
a) a penalty already imposed;
b) the penalty expected for other punishable acts that are the subject of pending proceedings; or
c) the penalty that would be imposed in proceedings conducted abroad.
4) when a final decision has been issued for the extradition or expulsion of the accused for a crime committed in our country.
In the cases provided for in paragraphs 1) to 2), it shall be necessary for the accused has repaired the damage caused, signed an agreement with the victim to that effect, or demonstrated their willingness to provide reparation.
The request for non-prosecution may be submitted up to the time of the preliminary hearing.

Article 20. EFFECTS. The decision to waive criminal prosecution shall extinguish the public action in relation to the participant in whose favour it is decided. However, if the decision is based on the insignificance of the act, its effects shall extend to all participants.
However, in the case of paragraph 3) of the previous article, the exercise of public criminal action shall only be suspended until the respective sentence is handed down, at which time a final decision shall be made on the waiver of criminal prosecution.
If the sentence does not meet the expectations for which the exercise of public criminal action was suspended, the judge may resume the proceedings. This decision shall be final.

Article 21. CONDITIONAL SUSPENSION OF PROCEEDINGS. Where the suspension of the execution of the sentence on probation is possible under the conditions established in the Criminal Code, the parties may request the conditional suspension of the proceedings.
If the accused agrees to the suspension and admits the charges against him, the judge shall order the conditional suspension of the proceedings, provided that the accused has repaired the damage caused, has signed an agreement with the victim to that effect, or has demonstrated his willingness to make reparation.

The conditional suspension of proceedings shall not prevent the exercise of civil action before the civil courts.

When the request is made by the Public Prosecutor's Office or the complainant, they must prove the consent of the accused and indicate the rules of conduct required for the probation regime.

This request may be submitted up until the preliminary hearing.

Article 22. CONDITIONS AND RULES. When deciding on the suspension of proceedings, the judge shall set a probationary period of not less than one year and not more than three years and shall determine the conditions and rules to be complied with by the accused during that period, selecting from among the following:
1) residing in a specific place;

2) prohibition from frequenting certain places or persons;

3) abstaining from the use of drugs or the abuse of alcoholic beverages;

4) submit to the supervision determined by the judge;

5) begin and complete primary schooling, if not already completed, learn a profession or trade, or take training courses at the place or institution determined by the judge or court;

6) perform work for the State or public assistance institutions outside of their normal working hours;

7) remain in a job or employment, or adopt, within the period determined by the judge, a trade, art, industry or profession, if they do not have their own means of subsistence;

8) undergo medical or psychological treatment, if necessary;

9) prohibition on owning or carrying weapons;

10) prohibition from driving vehicles; and

11) comply with maintenance obligations.

The judge may impose other reasonable rules analogous to the above only when he or she considers them appropriate for the reintegration of the person under probation and shall personally notify the accused of the conditional suspension of the proceedings, with an express warning about the rules of conduct and the consequences of non-compliance.

Article 23. REVOCATION. If the accused deviates significantly and unjustifiably from the rules imposed or commits a punishable act, the suspension shall be revoked and the proceedings shall continue. In the first case, the judge may extend the probation period to five years.
The revocation of the suspension of proceedings shall not prevent the subsequent suspension of the execution of the sentence on probation.

Article 24. WITHDRAWAL OF THE PROCEEDINGS. Once the proceedings have been withdrawn in accordance with the provisions of the Criminal Code, the criminal action shall be extinguished.

Article 25. **GROUNDS FOR EXTINCTION.** Criminal proceedings shall be extinguished:
1) upon the death of the accused;
2) upon the death of the victim in cases of privately prosecutable offences. However, proceedings already initiated by the victim may be continued by their heirs in accordance with the provisions of this code;
3) upon expiry of the period provided for in Article 136 of this Code;

4) upon expiry of the period established in Article 139 of this Code;

5) due to the application of a criterion of opportunity, in the cases and forms provided for in this code;

6) in cases of conditional suspension of proceedings, upon expiry of the probationary period, without the suspension having been revoked;

7) by the withdrawal of the complaint, in offences that depend on it, or by th tion made up to the time of the preliminary hearing;
8) due to the withdrawal, renunciation or abandonment of the complaint with respect to punishable acts of private action;

9) upon payment of the maximum fine provided for, in the case of a punishable act for which the penalty does not exceed two years' imprisonment;

10) in offences against the property of individuals or in culpable offences, by full reparation for the particular or social damage caused, made before the trial, provided that this is accepted by the victim or the Public Prosecutor's Office, as the case may be; and,

11) when, after the provisional dismissal has been decided, the reopening of the case and the continuation of the investigation are not ordered within one year.

Article 26. **INDIGENOUS COMMUNITIES.** Criminal proceedings shall also be terminated in the case of punishable acts affecting the legal rights of an indigenous community or the personal property of any of its members, and both the accused and the victim or, where applicable, their relatives, accept the manner in which the community has resolved the conflict in accordance with its own customary law.

In such cases, any member of the indigenous community may request that the justice of the peace declare the criminal proceedings terminated.

The justice of the peace shall summon the victim or their relatives, the accused, the representative of the Public Prosecutor's Office and

the legal representatives of the community or, when they have not been appointed, six members of the community chosen by the victim and the accused, to an oral hearing within three days of the request being filed, in order to verify whether the requirements set forth in this article and in the National Constitution are met.

CHAPTER II
CIVIL ACTION

Article 27. CIVIL ACTION. Civil action for redress or compensation for damages caused by the punishable act may only be brought by the injured party or their heirs, within the limits of the inheritance share, or by their legal representatives or agents, against the perpetrator and participants in the punishable act.

Article 28. SOCIAL AND STATE INTERESTS. In the case of punishable acts that have affected the State's assets, civil action shall be brought by the Attorney General of the Republic. When social, collective or diffuse interests have been

affected, it shall be brought by the Public Prosecutor's Office.
The Attorney General or the State Prosecutor, as the case may be, may decide that the lawsuit be filed and pursued by other officials of the Attorney General's Office or the Public Prosecutor's Office, respectively.

Article 29. EXERCISE. Civil action may be brought in criminal proceedings, in accordance with the rules established by this code, or before the civil courts, but may not be brought simultaneously in both jurisdictions.

Article 30. DELEGATION. Civil action for damages may be delegated to the Ministry of Public Defence by persons who are not in a socio-economic position to bring a claim.
The Ministry of Public Defence, through a public defender, shall take charge of the lawsuit when the person who has suffered the damage is incapacitated and lacks legal representation.
The delegation shall be recorded in a document containing the personal details of the delegating party, which shall serve as a special power of attorney.

BOOK ONE
CRIMINAL JUSTICE AND PROCEDURAL SUBJECTS

TITLE I
CRIMINAL JUSTICE

CHAPTER I
JURISDICTION AND COMPETENCE

Article 31. JURISDICTION. Criminal jurisdiction is always non-extendable and shall be exercised by the judges or courts established by this code and the laws. Criminal justice shall have exclusive jurisdiction over all punishable acts provided for in criminal legislation and the enforcement of its decisions, as established in this code.

Article 32. EXTENSION. Jurisdiction shall extend to punishable acts committed in the territory of the Republic, to those that produce effects therein or in places subject to its jurisdiction, and to those expressly established by law.

Article 33. SUBJECT MATTER JURISDICTION. Jurisdiction over subject matter shall be exercised by the courts, in accordance with the provisions of this code.

Article 34. LACK OF JURISDICTION**.** Lack of jurisdiction over the subject matter shall be declared, even ex officio, at any stage of the proceedings. When this is

declared, the proceedings shall be referred to the competent judge or court and the defendants shall be made available to them.
However, the court with jurisdiction to try more serious offences may not declare itself incompetent because the case belongs to a judge with jurisdiction to try less serious offences, when the incompetence is alleged or noted during the trial.

Article 35. NULLITY. Failure to observe the rules for determining jurisdiction over the subject matter shall render the proceedings null and void, except for those that cannot be repeated. This provision shall not apply when a judge with jurisdiction to hear more serious offences has acted in a case falling within the jurisdiction of a lower court.

Article 36. TERRITORIAL JURISDICTION. Jurisdiction shall not be delegable. However, the territorial jurisdiction of a trial court may not be challenged or modified ex officio once the trial hearing has begun.

Article 37. RULES OF JURISDICTION. The following rules shall be observed in determining the territorial jurisdiction of the courts:
1) a court shall have jurisdiction over punishable acts committed within the judicial district in which it exercises its functions;

2) when a punishable act committed in foreign territory has had effects in the Republic, the courts of the judicial district of the Capital shall have jurisdiction, even if the accused has been apprehended in any other judicial district of the country. The same shall apply when the punishable act committed abroad may be subject to the criminal jurisdiction of the courts of the Republic, in accordance with the cases provided for in the Criminal Code or in special laws;

3) when the punishable act has been committed within the limits of two judicial districts, the court that has taken cognisance of the case shall have jurisdiction;

4) when the place where the offence was committed is unknown, the court of the judicial district within whose territory the accused was apprehended shall have jurisdiction, unless the court of the judicial district where the accused resides has taken cognisance of the case. If the place where the offence was committed is subsequently discovered, the court of the latter place shall continue to hear the case, unless this would cause unnecessary procedural delay or prejudice the defence;

5) when the offence has been prepared or initiated in one place and committed in another, the court of the latter place shall have jurisdiction; and

6) Enforcement judges shall have territorial jurisdiction in accordance with the distribution and regulations established by law or, failing that, those established by the Supreme Court of Justice.

CHAPTER II
COMPETENT COURTS

Article 38. BODIES. The following shall be jurisdictional bodies, in the cases and forms determined by law:
1) the Supreme Court of Justice;
2) the Courts of Appeal;
3) the Sentencing Courts;
4) the Criminal Judges;
5) Enforcement Judges; and,
6) Justices of the Peace.

Article 39. SUPREME COURT OF JUSTICE. In addition to the cases provided for in the Constitution and in the laws, the Supreme Court of Justice shall have jurisdiction to hear:
1) the hearing and resolution of extraordinary appeals for cassation;

2) the hearing and resolution of appeals for review;

3) proceedings relating to conflicts of jurisdiction and the recusal of members of the court of appeal;

4) complaints of delay of justice against the court of appeal; and

5) any other matters assigned to it by law.

Article 40. COURTS OF APPEAL. The courts of appeal shall have jurisdiction to hear:
1) the hearing and resolution of appeals, in accordance with the rules established by this code;

2) the recusal of criminal judges and members of the trial court; and,

3) complaints of delay of justice against criminal judges and trial courts.

Article 41. TRIAL COURTS. Trial courts may be single-judge courts or composed of three criminal judges, as the case may be.
A single-judge court shall have jurisdiction to hear:
1) the trial of punishable acts for which the penalty is exclusively a fine or imprisonment for up to two years, when requested by the Public Prosecutor's Office;

2) the hearing and resolution of proceedings for the repair of damage, in cases where a conviction has been handed down; and

3) the hearing and resolution of appeals in cases where a sentence has been handed down by a justice of the peace.

The trial courts, composed of three criminal judges, shall hear the trial in all other cases of punishable acts.

Article 42. CRIMINAL JUDGES. Criminal judges shall be competent to act as judges of guarantees and control of the investigation, in accordance with the powers and duties provided for in this code, and shall hear:
1) decisions of a jurisdictional nature that must be made during the preparatory stage;

2) the hearing and resolution of proceedings in the intermediate stage; and

3) the hearing and resolution of summary proceedings.

Article 43. ENFORCEMENT JUDGES. Enforcement judges shall be responsible for supervising the enforcement of sentences, the conditional suspension of proceedings, the treatment of the accused and the fulfilment of the purposes of preventive detention, and the hearing and resolution of all incidents that occur during the enforcement stage.
They shall also be responsible for monitoring compliance with the constitutional purposes of criminal sanctions and defending the rights of convicted persons.

Article 44. JUSTICES OF THE PEACE. Justices of the peace shall have jurisdiction to hear:
1) control of initial investigative proceedings that cannot be delayed, when it is not possible to obtain the immediate intervention of the competent criminal judge;

2) authorising the waiver of public criminal proceedings in the cases referred to in paragraphs 1) to 2) of Article 19 of this Code, when the request is made to them by the Public Prosecutor's Office, without prejudice to the jurisdiction of the criminal judge;

3) the conditional suspension of proceedings in cases of culpable offences, when requested;

4) summary proceedings when the sentence requested is less than one year's imprisonment or a non-custodial sentence, provided that the request is made to them;

5) conciliation, when proposed to them;

6) the hearing of the trial for privately prosecuted offences, when a private prosecution is brought against them and the defendant accepts jurisdiction;

7) the hearing and resolution of proceedings for compensation for damages, in cases where a conviction has been handed down; and

8) the oral hearing to decide on the termination of criminal proceedings in the case of conflicts resolved by indigenous communities.

Article 45. CLERKS AND ASSISTANTS. The judge or court shall be assisted in the performance of their duties by the clerk.
The secretaries shall also be responsible for processing notifications and summonses, arranging for the custody of seized objects, keeping records and statistics up to date, directing the auxiliary staff, informing the parties, and collaborating in all the material work assigned to them by the judge or court.
The delegation of judicial functions to the clerk or subordinate employees shall render the proceedings null and void and shall make the judge directly responsible for the consequences of such nullity.

CHAPTER III
CONNECTED CASES

Article 46. CASES OF CONNECTEDNESS. Connectedness shall exist:
1) when two or more punishable acts are attributed to the same person;

2) when the punishable acts have been committed simultaneously by several persons acting together, or have been the result of a prior agreement or common purpose, even if they were committed at different times or in different places;

3) when one of the punishable acts has been committed to perpetrate or facilitate the commission of another, or to procure profit or impunity for a participant or third parties; and,

4) when the punishable acts have been committed reciprocally.

Article 47. EFFECTS. When proceedings are brought for related punishable acts of public action, they shall be joined for the purposes of the trial, and the competent court shall be:
1) the court hearing the punishable act that would make a more severe penalty applicable;

2) in cases of equal severity, the court hearing the case that was initiated earlier; and,

3) in cases of equal age and severity, the court determined by the Supreme Court of Justice.

Separate or joint proceedings may be ordered, as appropriate to the nature of the cases, in order to avoid procedural delays or to facilitate the exercise of the defence.

Article 48. EXCEPTIONS. Proceedings for offences subject to private prosecution shall follow the rules of relatedness, but may not be joined with proceedings for offences subject to public prosecution.
Proceedings in which a minor is charged may not be joined with those in which the defendants are adults.

Article 49. JOINDER AND SEPARATION OF TRIALS. If several charges have been brought in relation to the same procedural matter that gave rise to the indictment of several defendants, the court may order, even ex officio, that a single trial be held, provided that this does not cause procedural delays. If the indictment refers to several punishable acts, the court may order that the trials be conducted separately, provided that this does not affect the right of defence.

CHAPTER IV
GROUNDS FOR EXCUSATION AND RECUSAL

Article 50. GROUNDS. The grounds for the removal of judges shall be as follows:

1) being the spouse, cohabitant or relative within the fourth degree of consanguinity or by adoption, or second degree of affinity, of any of the parties or their legal or conventional representative;

2) being a creditor, debtor or guarantor, either personally, through their spouse or partner, of any of the parties, except when they are creditors of public sector entities, banking, financial or insurance institutions. The recusal or challenge established in this section shall only apply when the credit is evidenced by a public or private document, recognised or registered, dated prior to the commencement of the proceedings;

3) he, his spouse or partner, or his relatives within the degrees expressed in subsection 1) have pending proceedings with any of the parties or have had such proceedings within the preceding two years if the proceedings were civil and within the preceding five years if they were criminal. A civil claim or complaint that does not precede the criminal proceedings before him shall not be grounds for disqualification or recusal;

4) having a personal interest in the case because it involves his business or the persons mentioned in paragraph 1);

5) being a contractor, donee, employer, or partner of any of the parties;

6) having previously intervened in any way, or in another capacity or in another instance in the same case;

7) having issued a ruling that was subsequently overturned by a higher court;

8) having been involved in the proceedings as a party, legal representative, attorney, defence counsel, expert witness, or witness;

9) have been ordered to pay costs in the proceedings before them;

10) having issued an opinion or advice on the proceedings, recorded in writing or by any other means of recording;

11) have a friendship that is evident from great familiarity or frequent contact;

12) have enmity, hatred or resentment resulting from known facts; and,

13) any other cause, based on serious grounds, that affects their impartiality or independence.

Article 51. COURT OFFICIALS AND ASSISTANTS. The same rules shall apply to clerks and all those who perform any judicial assistance function in the proceedings. The judge or court before which they act shall summarily investigate the reason given and decide as appropriate.

TITLE II
THE PUBLIC PROSECUTOR'S OFFICE AND ITS AUXILIARY BODIES

CHAPTER I
THE PUBLIC PROSECUTOR'S OFFICE

Article 52. FUNCTIONS. The Public Prosecutor's Office, through its prosecutors, appointed officials and auxiliary bodies, shall be responsible for conducting investigations into criminal offences and bringing public criminal proceedings. To this end, it shall take all necessary steps to prepare the indictment and participate in the proceedings, in accordance with the provisions of this Code and its organic law.

It shall be responsible for the functional direction and control of the officials and departments of the National Police, insofar as they are assigned to the investigation of specific criminal acts.

Article 53. BURDEN OF PROOF. The burden of proof shall lie with the Public Prosecutor's Office, which shall prove in a public oral trial the facts on which its indictment is based.

Article 54. **OBJECTIVITY.** The Public Prosecutor's Office shall act in an objective manner, ensuring the correct application of the law and taking into consideration the elements of the charge and the defence in relation to the accused.

Article 55. FORM AND CONTENT OF ITS STATEMENTS. The Public Prosecutor's Office shall formulate its requests, opinions and resolutions in a reasoned and

specific manner, without resorting to forms or unfounded statements. It shall proceed orally in hearings and at trial, and in writing in all other cases.

Article 56. **COERCIVE AND INVESTIGATIVE POWERS.** The Public Prosecutor's Office shall have the powers and attributions granted to it by this code and those established by its organic law or special laws.

Under no circumstances shall it assume jurisdictional functions.

Article 57. DISQUALIFICATION AND RECUSAL. Officials of the Public Prosecutor's Office shall be disqualified and may be recused in proceedings in which their spouse, cohabitant or relative within the fourth degree of consanguinity or by adoption, or second degree of affinity, or their close friends or declared enemies are involved or acting as defence counsel. In all other cases, they may not be disqualified and shall be irrecusable.
Challenges shall be resolved by the immediate superior.
The decision may be challenged within three days before the Criminal Chamber of the Supreme Court of Justice. With regard to the procedure, the provisions relating to judges shall apply analogously.
When the recusal refers to the Attorney General, it shall be resolved by the Criminal Chamber of the Supreme Court of Justice.

CHAPTER II
NATIONAL POLICE IN AN INVESTIGATIVE CAPACITY

Article 58. FUNCTION. National Police officers and officials, in their role of investigating punishable acts, shall act through specialised h y bodies designated for that purpose and, at the initiative of the Public Prosecutor's Office, shall execute the orders of the competent authority, without prejudice to the hierarchical regime that organises them.

Article 59. MANDATORY COOPERATION. National Police officers and officials assigned to an investigation shall comply with the directives and instructions of the Public Prosecutor's Office and those issued to them by judges during the proceedings, without prejudice to the administrative authority to which they are subordinate. The administrative authority may not revoke, alter or delay an order issued by prosecutors or judges.

Article 60. FORMALITIES. National Police officers and agents shall respect the formalities established for the investigation and shall adapt their actions to the general or specific directives and instructions issued by the Public Prosecutor's Office.

Article 61. DISCIPLINARY POWER. Police officers and agents who violate legal or regulatory provisions, omit or delay the execution of an act proper to their investigative functions, or perform it negligently, shall be punished in accordance with their organic law, without prejudice to their criminal liability.

CHAPTER III
JUDICIAL POLICE

Article 62. FUNCTION. The Judicial Police shall be a direct auxiliary of the Public Prosecutor's Office in the exercise of its functions of investigation and promotion of public criminal action.
It shall be constituted as a technical, non-militarised body, composed of civilian investigators, as provided for in its own organisational law.

Article 63. POWERS. In addition to the powers provided for in its organic law, it shall have all the powers granted to the National Police by this code, except for the power to make arrests or detentions.

Article 64. CRIMINAL INVESTIGATION CENTRE. The Judicial Police shall organise a criminal investigation centre, made up of various scientific departments that shall provide assistance in crime scene inspections and the performance of expert examinations. Its officials or professionals shall perform the functions of technical consultants in accordance with the provisions of this code.

Article 65. COORDINATION. The Attorney General shall issue the general and specific instructions necessary to coordinate the work of the National Police and the Judicial Police, in order to achieve the greatest efficiency in the investigation of criminal acts. He may organise joint investigation teams or assign an investigation exclusively to the Judicial Police.

Article 66. **JUDICIAL ORDER.** The Judicial Police shall comply with the orders issued by judges and carry out the expert examinations they order in cases of preliminary judicial examination of evidence.

TITLE III
THE VICTIM AND THE PLAINTIFF

Article 67. STATUS OF VICTIM. This code shall consider the following to be victims:
1) the person directly offended by the punishable act;

2) the spouse, cohabitant, or relative within the fourth degree of consanguinity or adoption, or second degree of affinity, the legal representative, and the testamentary heir in punishable acts resulting in the death of the victim;

3) the partners, with respect to punishable acts affecting a company, committed by those who direct, administer or control it, or its managers;

Article 68. VICTIMS' RIGHTS. Victims shall have the right to:
1) be treated with dignity and respect, have any inconvenience caused by the proceedings minimised, have their privacy safeguarded to the extent that it does not obstruct the investigation, and have their safety, that of their family members and that of witnesses testifying on their behalf protected by the competent authorities;

2) participate in the criminal proceedings, in accordance with the provisions of this code;

3) be informed of the results of the proceedings, even if they have not participated in them, whenever they so request;

4) be heard before any decision involving the termination or suspension of criminal proceedings, provided that they so request; and,

5) challenge the dismissal or final dismissal, even if they have not participated in the proceedings as a complainant.

The victim shall be informed of their rights when they file the complaint or at their first intervention in the proceedings.

Article 69. **JOINT PLAINTIFF**. In cases of publicly actionable offences, the victim or their legal representative, acting as plaintiff, may participate in the proceedings initiated by the Public Prosecutor's Office, with all the rights and powers provided for in the Constitution, this code and the laws.

Public sector entities may not be plaintiffs. In such cases, the Public Prosecutor's Office shall represent the interests of the State. Autonomous entities with legal personality, provincial governments and municipalities shall be exempt from these rules.

The participation of the victim as a complainant shall not alter the powers granted by law to the Public Prosecutor's Office and the courts, nor shall it exempt them from their responsibilities.

Article 70. LEGAL ENTITIES. In order to file a complaint, the representatives of private legal entities must prove the existence of the entity and their own legal status.

Article 71. **CONVENTIONAL REPRESENTATIVE**. The complaint may be filed by an agent with special power of attorney who meets the legal requirements. The conventional representative must present the instrument certifying the mandate when requesting their intervention.

Article 72. PRIVATE CRIMINAL ACTION. In cases of exclusive complaint due to a private action offence, the rules of this section shall apply, without prejudice to the rules of special procedure provided for in this code.

Article 73. REGISTERED LAWYER. The complaint must be sponsored by a registered lawyer who may directly exercise the powers of the complainant, except those of a personal nature or when there is an express reservation in the law or in the mandate.
The rules provided for the defence counsel of the accused shall apply analogously.

TITLE IV
THE ACCUSED

CHAPTER I
GENERAL RULES

Article 74. DESIGNATION. The following designations shall apply:
1) accused: the person identified as the perpetrator or participant in a punishable act; and in particular the person identified in the indictment;

2) defendant shall be the person against whom there is an accusation by the Public Prosecutor's Office or the complainant, as the case may be; and

3) convicted person shall be the person who has been convicted by a final judgment.

Article 75. RIGHTS OF THE ACCUSED. The accused shall be assured the necessary guarantees for their defence, and shall be informed immediately and comprehensively by the National Police, the Public Prosecutor's Office and the judges of their rights to:
1) that no means contrary to his dignity be used against him

2) be informed of the cause or reason for their arrest and the official who ordered it, showing them, as appropriate, the arrest warrant issued against them;

3) designate the person, association or entity to whom his arrest should be communicated and that the communication be made immediately;

4) be assisted from the outset of the proceedings by a defence lawyer appointed by them, their spouse, partner or relative within the fourth degree of consanguinity or

by adoption, or second degree of affinity, and, in the absence of such a defence lawyer, by a public defender;

5) appear before the Public Prosecutor or the judge, so that they may be informed and heard regarding the charges against them;

6) to refrain from making a statement, and if he agrees to do so, to have his defence counsel present at the time of making his statement and at any other proceedings where his presence is required;

7) not be subjected to techniques or methods that constrain or alter his free will; and

8) not to be subjected to measures that impede his free movement in the place and during the course of a procedural act, without prejudice to the surveillance measures that the judge or the Public Prosecutor's Office may deem appropriate to order in special cases and at their discretion.

Article 76. IDENTIFICATION. From the first proceeding in which the accused participates, they shall be identified by their personal details and distinguishing features.
If he or she refrains from providing such information or provides false information, he or she shall be identified by witnesses or other useful means, even against his or her will.
Any doubt about the information obtained shall not alter the course of the proceedings, and any errors in the information may be corrected at any time.

Article 77. ADDRESS. At their first appearance, the accused must provide their actual address and establish their address for legal purposes; they must subsequently keep this information up to date.
False information about their address may be considered evidence of flight risk.

Article 78. INCAPACITY. The mental disorder of the accused, which excludes their capacity to understand or consent to the acts of the proceedings, or to act in accordance with that knowledge and will, shall result in the conditional suspension of the proceedings in relation to them, until such incapacity disappears; without prejudice to the application of the special procedure contained in Title V of Book II, Part Two of this code.

The situation described in the preceding paragraph shall not prevent the investigation of the act or the continuation of the proceedings with respect to other defendants.
For the purposes of criminal proceedings, such incapacity shall be declared by the judge, following a psychiatric examination. Any acts performed by the incapacitated person as such shall be null and void.

Article 79. MENTAL EXAMINATION. When the characteristics of the act suggest the existence of a mental disorder, incomplete or delayed mental development, or serious disturbance of consciousness, the accused shall be subjected to a mental examination.

Article 80. COMMITMENT FOR OBSERVATION. When the preparation of an expert opinion on the capacity of the accused requires his or her commitment, the measure may be ordered by the judge, at the request of the experts, only when there is a probability that the accused has committed the act and such measure is not disproportionate to the importance of the penalty or improvement measure expected.
The hospitalisation may not exceed the time necessary to carry out the expert assessment; in no case may it exceed a period of six weeks.

Article 81. PHYSICAL EXAMINATION. A medical examination of the accused may be ordered to ascertain circumstances of importance to the investigation.
For this purpose, blood and fluid samples in general, as well as other physical examinations, shall be admissible, always with judicial authorisation, and shall be carried out in accordance with the rules of medical science, preserving the health of the accused.

Article 82. CONTEMPT OF COURT. The accused shall be declared in contempt of court if they fail to appear when summoned without justification, escape from the establishment or place where they are detained, disobey an arrest warrant, or leave their actual place of residence without notice.

The declaration of contempt and the consequent arrest warrant shall be issued by the judge.

In cases of contempt, information essential for their arrest may be published by court order.

Article 83. EFFECTS. The declaration of contempt shall not suspend the investigation, except in relation to decisions that terminate the proceedings.

In subsequent stages, the proceedings shall only be suspended with respect to the defendant in contempt and shall continue for the defendants who are present.

A declaration of contempt shall entail the revocation of any liberty granted to the defendant and shall oblige them, in the event of involuntary appearance, to pay the costs incurred.

When the defendant in contempt voluntarily appears or is brought before the authority that requires it, their status of contempt shall be extinguished and the proceedings shall continue, with the arrest warrant being rendered ineffective.

CHAPTER II
STATEMENT BY THE DEFENDANT

Article 84. FREEDOM TO TESTIFY, OPPORTUNITIES AND COMPETENT AUTHORITY. The accused shall have the right to testify and to refrain from testifying, as well as to testify as many times as he or she wishes, provided that his or her testimony is relevant and does not appear to be a means of delaying the proceedings.
During the investigation, the accused shall make a statement before the prosecutor in charge of the investigation.

During the intermediate stage, the accused shall testify if requested to do so; in that case, the testimony shall be heard at the preliminary hearing by the criminal judge.

During the trial, the accused shall testify at the time and in the manner provided for in this code.

In all cases, the accused's statement shall only be valid if made in the presence of a defence lawyer, except in cases where the accused is a lawyer.

Article 85. CASE OF ARREST. If the accused has been deprived of his liberty, the Public Prosecutor's Office shall be notified immediately so that he may testify in its presence, no later than twenty-four hours after his arrest; when the accused requests to choose a defence lawyer, the period shall be extended for the same amount of time.
In exceptional cases or cases of force majeure, the Public Prosecutor's Office may, by reasoned decision, set a different time limit in accordance with the circumstances of the case and under its responsibility.

Article 86. PRELIMINARY WARNINGS. At the beginning of the hearing, the competent official conducting the investigation shall inform the accused in detail of the punishable act attributed to him and provide a summary of the content of the existing evidence. All the proceedings gathered up to that point shall also be made available to him.

Before beginning the statement, the accused shall be warned that they may refrain from making a statement and that this decision shall not be used to their detriment.

The accused shall also be informed of their procedural rights.

Article 87. PROCEDURE. The statement shall begin by recording the defendant's first name, surname, nickname or alias, age, marital status, profession, nationality,

date and place of birth, personal details of their parents, actual address and address for service. In subsequent statements, it shall suffice for the defendant to confirm the information already provided.
The accused may immediately make any statements they deem appropriate about the act attributed to them and indicate the means of evidence they consider appropriate.

The parties may ask the accused any questions they deem appropriate, with the permission of the presiding officer.

Article 88. PROHIBITED METHODS. Under no circumstances shall the accused be required to take an oath or promise to tell the truth, nor shall he or she be subjected to any kind of force or coercion. Any measure that affects the accused's freedom of decision, will, memory, or ability to understand and direct his or her own statement is prohibited.

Article 89. LIMITATIONS. Leading or suggestive questions shall not be permitted, and answers shall not be demanded peremptorily.

Article 90. RESTRICTIONS ON THE POLICE. The police may not take a preliminary statement from the accused.

Article 91. TREATMENT DURING THE STATEMENT. The accused shall always make their statement with freedom of movement, without the use of handcuffs or other security measures, except when it is absolutely essential to prevent their escape or harm to others. Likewise, they shall only make their statement in the presence of persons authorised to attend the proceedings or in front of the public when permitted by law.

Article 92. ASSISTANCE DURING THE INVESTIGATION. With the consent of the accused, the presence of the complainant shall be permitted, although it is not mandatory to notify them of the proceedings.
The accused shall be consulted in the presence of their defence counsel about their right of exclusion before the proceedings begin; they may also exercise this right during the hearing.

The parties may indicate any legal irregularities that occur and, if they are not corrected immediately, demand that their protest be recorded in the minutes.

Article 93. MINUTES DURING THE INVESTIGATION. The minutes shall contain the statements of the accused and what happens at the hearing.
The proceedings shall conclude with the reading and signing of the minutes by the participants.

If the accused refrains from making a statement, in whole or in part, or refuses to sign the minutes, this shall be noted; if they do not know how to sign or are unable to do so, they shall affix their fingerprint.

Article 94. **MULTIPLE ACCUSED.** When there are multiple accused, they shall be held incommunicado from each other until all their statements have been taken.

Article 95. CONFRONTATIONS. The accused shall not be compelled to confront other accused persons or witnesses. The rules set forth in this chapter shall apply in this regard.

Article 96. EVALUATION. Failure to comply with the provisions relating to the defendant's statement shall prevent it from being used against him, even if he has given his consent to violate any rule or to use his statement.
Purely formal non-compliance shall be corrected during or after the proceedings. When assessing the proceedings, the judge shall evaluate the nature of such non-compliance in order to determine whether to proceed in accordance with the preceding paragraph.

CHAPTER III
THE DEFENCE COUNSEL

Article 97. RIGHT OF CHOICE. The accused shall have the right to choose a lawyer of his or her choice as defence counsel.

If they do not do so, the judge shall appoint a public defender, regardless of their wishes. If they prefer to defend themselves, the judge shall allow this only when it does not prejudice the effectiveness of the technical defence.

The intervention of the defence counsel does not undermine the accused's right to make requests and observations.

Article 98. **QUALIFICATIONS.** Only registered lawyers may serve as defence counsel, except in the case of public defenders and accused lawyers.

Article 99. APPOINTMENT. The appointment of the defence counsel shall not be subject to any formality. Once appointed by the defendant by any oral or written means, the defence counsel shall accept the position before the corresponding authority, which shall be recorded in the minutes.

Article 100. MANDATORY. The exercise of the defence shall be mandatory for the solicitor from the moment they accept the position of defence counsel.

Article 101. RECOGNITION. In order to perform their duties, defence lawyers shall be recognised immediately and without any formalities by the police, the Public Prosecutor's Office or the judge, as the case may be.

Article 102. APPOINTMENT IN CASES OF URGENCY. When the accused is deprived of his liberty, any person may propose, in writing, to the competent authority, the appointment of a defence counsel, which shall be brought to the attention of the accused immediately. In cases of urgency, the proposed defence counsel shall begin to act provisionally.

Article 103. SUBSEQUENT APPOINTMENT. The accused may appoint a new defence counsel, but the previous one may not resign from the defence until the new one accepts the position.

Article 104. PUBLIC DEFENDER. The Public Defender shall have all the powers and duties provided for in this code and in the law governing its organisation.

Article 105. MANDATORY DEFENCE COUNSEL. In proceedings for privately prosecuted offences or in those that do not provide for imprisonment, the accused may be represented by a defence counsel with special power of attorney for the case, who may replace him in all proceedings.

However, the judge may require the presence of the accused when deemed essential.

The position of defence counsel also implies a mandate to respond.

Article 106. RESIGNATION AND ABANDONMENT. The defence counsel may resign from the defence; in this case, the judge shall set a deadline for the accused to appoint another. If they fail to do so, they shall be replaced by a public defender. The resigning defence counsel may not abandon the defence until their replacement has taken over.

Resignation may not take place during hearings.

If the defence counsel, without just cause, abandons the defence or leaves the accused without legal assistance, a defence counsel shall be appointed ex officio and the former may not be reappointed.

The decision shall be notified to the defendant, informing them of their right to choose another defence counsel.

When the abandonment occurs shortly before or during the trial, its commencement may be postponed or the hearing already in progress may be suspended for a period not exceeding three days if requested by the new defence counsel.

Article 107. **PENALTIES.** Abandonment of the defence shall oblige the solicitor to pay the costs incurred by his replacement, without prejudice to the corresponding penalties.

Article 108. NUMBER OF DEFENCE COUNSEL. The accused may appoint as many defence counsel as he or she deems appropriate, but shall not be defended simultaneously by more than two solicitors in oral hearings or in the same proceeding.
When more than one defence counsel is involved, notification given to one of them shall be valid for all. The replacement of one of them shall not alter the proceedings or deadlines.

Article 109. COMMON DEFENCE COUNSEL. The defence of several defendants in the same proceedings by a common defence counsel shall be inadmissible. However, the judge shall allow joint defence when there is no incompatibility.

If incompatibility is noted, it shall be corrected ex officio, providing for the replacement of the defence counsel.

Article 110. **NON-LEGAL ASSISTANTS.** When the parties intend to use non-legal assistants to collaborate in their work, they shall disclose their personal details, stating that they assume responsibility for their selection and supervision. They shall only perform ancillary tasks and may not replace the persons they assist in the performance of their duties. They shall be allowed to assist them in hearings, without participating in them.

This rule shall also apply to the participation of students undertaking legal practice.

Article 111. TECHNICAL CONSULTANTS. When any of the parties considers it necessary to be assisted by a consultant in a science, art or technique, they shall propose this to the judge, who shall appoint them in accordance with the rules applicable to experts, as appropriate, without them assuming such status.

The technical consultant may attend the expert proceedings, make observations during their course, without issuing an opinion, and their observations shall be recorded. At hearings, they may accompany the party with whom they are collaborating, assist them in the performance of their duties, question experts, translators or interpreters directly, and draw conclusions on the expert evidence, always under the direction of the party they are assisting.

The Public Prosecutor's Office shall appoint its technical consultants directly, without the need for judicial appointment.

TITLE V
DUTIES OF THE PARTIES

Article 112. GOOD FAITH. The parties shall litigate in good faith, avoiding dilatory arguments and any abuse of the powers granted to them by this code. Preventive

detention of the defendant shall not be requested when it is not absolutely necessary to ensure the purposes of the proceedings.

During the proceedings, the parties may not appoint attorneys or representatives who are in a relationship with the judge that is so obvious as to compel him or her to recuse himself or herself for any of the reasons listed in Article 50 of this code. Judges shall cancel any appointment or representation made in violation of this prohibition, without prejudice to the other penalties established in this code. Lawyers appointed by the defendant in their first act of intervention in the proceedings shall be exempt from this prohibition.

Article 113. DISCIPLINARY POWER. Judges shall ensure the regularity of the proceedings, the correct exercise of procedural powers and good faith. They may not, under the pretext of disciplinary offences, restrict the right of defence or limit the powers of the parties.
In all other respects, the rules set forth in the Code of Civil Procedure shall apply to the nature of criminal proceedings.

Article 114. SANCTIONS. Where bad faith is proven or litigation is reckless, judges may impose a fine of up to one hundred days in serious or repeated cases and, in other cases, a fine of up to fifty days or warnings. The provisions of the Criminal Code shall apply to the imposition of fines.

Before imposing any procedural sanction, the affected party shall be heard. Procedural sanctions are appealable with suspensive effect.

BOOK TWO
PROCEDURAL ACTS AND NULLITIES

TITLE I
PROCEDURAL ACTS

CHAPTER I
USE OF OFFICIAL LANGUAGES

Article 115. LANGUAGE. Only official languages may be used in procedural acts, under penalty of nullity, with the exceptions established by this code.

Article 116. WRITTEN SUBMISSIONS . Spanish shall be used in written submissions. Likewise, the minutes shall be drafted in that language, without prejudice to the fact that statements or interrogations may be conducted in either language. In order to verify the accuracy of the minutes, the declarant shall have

the right to request the intervention of a translator of their choice, who shall sign the document as a sign of approval.

Article 117. HEARINGS. In the trial and in other oral hearings, either language may be used interchangeably or simultaneously. If any of the parties, judges, witnesses or the public do not easily understand either of the official languages, the judge or court shall appoint a common interpreter.
If it is not possible to appoint a common interpreter without delaying the proceedings, an interpreter of good faith shall be appointed from among those present to facilitate communication between all participants in the hearing or trial.

Article 118. JUDGMENT. The judgment shall be written in Spanish. However, after its formal pronouncement and reading, the court shall order, in all cases, that the clerk or the person designated by the court explain its content in Guaraní.

Article 119. INTERROGATIONS. Interrogations may be conducted in another language or in any other manner that makes it possible to carry them out, in the case of persons who cannot easily express themselves in the official languages or who have a manifest impediment to expression.
The judge or court, either ex officio or at the request of a party, shall take the necessary measures to ensure that those being questioned are assisted by an interpreter or translator, or express themselves in writing or in any other manner that facilitates the proceedings.

CHAPTER II
FORM OF PROCEDURAL ACTS

Article 120. DAY AND TIME OF COMPLIANCE. Procedural acts shall be carried out on working days and at working hours, without prejudice to the authorisations indicated by the judge or court, either ex officio or at the request of a party, when deemed necessary.

Article 121. PLACE. The judge or court may sit in any place within the national territory to carry out the acts proper to its function.
In the case of an event that has had local repercussions, or when the court deems it prudent, the trial shall be held in the locality where the punishable act was committed, provided that this does not hinder the exercise of the defence, jeopardise the safety of those involved, or cause a significant disturbance of public order.

In such cases, the court clerk shall arrange for a suitable courtroom and request the necessary support from the authorities to ensure the normal conduct of the trial.

Article 122. MINUTES. Proceedings that must be recorded in writing shall contain, under penalty of nullity and without prejudice to the formalities provided for specific acts:
1) the place, date and, in the case of proceedings lasting several hours, the time;

2) in the case of successive acts carried out in the same place or on different dates or in different places, the mention of the places, dates, and times of their continuation or suspension; and

3) the signatures of all those who participated in the act, with a record of the reasons for those who did not sign, or those who did so at the request of or as witnesses to the act.

Unless specifically provided otherwise, the omission of these formalities shall only render the minutes ineffective or their content invalid when they cannot be reliably supplemented on the basis of other evidence.

The secretaries shall draw up the minutes, which shall be invalid without their signature. If the secretary is not present and the proceedings cannot be delayed, the judge shall have the minutes signed by a witness to the proceedings.

The minutes drawn up by the Public Prosecutor's Office shall bear the signature of the official performing the act.

CHAPTER III
JUDICIAL ACTS AND RESOLUTIONS

Article 123. COERCIVE POWER. The judge shall order the intervention of the police or similar force and shall use all necessary measures to ensure compliance with the acts he orders in the exercise of his functions.

Article 124. RESOLUTIONS. Judges shall issue their resolutions in the form of orders, interlocutory rulings, and final judgments.

The orders shall direct acts of mere procedure, which do not require substantiation. In cases where this code and the laws empower the clerk and other judicial officials to perform acts, their decisions shall also be referred to as orders.

Interlocutory orders shall resolve incidental matters that require prior substantiation. Decisions that terminate the proceedings or those issued in the process of enforcing the sentence shall also be resolved in the form of interlocutory orders.

Final judgments shall be handed down immediately after the oral and public trial or in the case of summary proceedings.

The place and date on which the decision was handed down and the signatures of the judges involved shall be essential requirements of any judicial decision.

Article 125. GROUNDS. Final judgments and interlocutory orders shall contain clear and precise grounds for the decision.

The grounds shall state the factual and legal reasons on which the decisions are based, as well as an indication of the value given to the evidence.

A simple list of the documents in the proceedings or a mention of the parties' requests shall in no case replace the grounds.

Article 126. CLARIFICATION. Before a decision is notified, the judge or court may clarify any obscure expressions, correct any material errors or remedy any omissions, provided that this does not entail any essential modification of the decision.

The parties may request clarifications within three days of notification.

Article 127. **FINAL DECISION.** Judicial decisions shall become final without the need for any declaration when they are no longer subject to appeal.

Article 128. AUTHENTIC COPY. The judge or court shall arrange for the preservation of an authentic copy of the judgments, interlocutory orders or other proceedings it deems relevant.
When the original is stolen, lost or destroyed, the authenticated copy shall acquire this status.

When there is no authentic copy of the documents, the judge or court shall order their renewal, prescribing the manner in which this is to be done.

The clerk, with the authorisation of the judge or court, shall order the issuance of copies, reports or certifications when requested by a public authority or by individuals who can prove a legitimate interest in obtaining them, provided that the status of the proceedings does not prevent this and does not affect the principle of innocence.

CHAPTER IV
DEADLINES

Article 129. GENERAL PRINCIPLES. Procedural acts shall be carried out within the established deadlines.

Legal and judicial deadlines shall be peremptory and non-extendable and shall expire at midnight on the last day specified, unless the law allows for their extension or makes their expiry subject to a specific action or declaration of intent.

Deadlines determined by hours shall begin to run immediately after the event that determines their commencement, without interruption.

Deadlines determined by days shall begin to run on the day following the date of notification. For these purposes, only working days shall be counted, unless the law expressly provides otherwise or refers to precautionary measures, in which case calendar days shall be counted.

Common time limits shall begin to run from the last notification made to the interested parties.

Article 130. WAIVER OR ABBREVIATION. The parties in whose favour a time limit has been established may waive or abbreviate it by expressly stating their intention to do so.

When the time limit is common, waiver or abbreviation shall be deemed to exist by means of the express declaration of intent of all parties.

Article 131. DEADLINES FOR PUBLIC OFFICIALS. The deadlines governing the work of public officials shall be strictly observed.

Failure to observe them shall constitute poor performance of duties and shall give rise to personal liability.

Article 132. JUDICIAL TIME LIMITS. When the law allows for the setting of a judicial time limit, the judge or court shall set it in accordance with the nature of the proceedings and the importance of the activity to be performed, taking into account the rights of the parties.

Article 133. DEADLINES FOR DECISIONS. The judge or court shall issue procedural orders immediately. Requests from the parties shall be decided within three days of their submission.

Interlocutory orders and final judgments following an oral hearing shall be deliberated, voted on and pronounced immediately after the hearing has concluded, without interruption.

Incidents shall be resolved within three days, unless the law provides for another time limit.

Article 134. RESTORATION OF THE TIME LIMIT. The parties may request the total or partial restoration of the time limit when, due to a defect in the notification,

force majeure or unforeseeable circumstances, they have been unable to comply with it.

There shall be considered to be grounds for requesting the reinstatement of the time limit when the warnings provided for in the case of notification to the accused are not complied with.

The request shall be submitted in writing to the judge or court within forty-eight hours of the impediment ceasing to exist or of the order giving rise to the time limit becoming known, and shall contain a brief indication of the reason that made compliance impossible, its justification, and a mention of all the evidence to prove it.

Article 135. PERMANENT ATTENTION. The judicial authorities shall make the necessary arrangements so that those responsible for judicial summonses and notifications in each judicial district receive the requests and writings of the parties on a continuous and permanent basis, even outside the ordinary working hours of the courts.
To this end, the Supreme Court of Justice shall organise a system of shifts and on-call services or offices providing permanent service to the public in the various judicial districts.

CHAPTER V
CONTROL OF THE DURATION OF THE PROCEEDINGS

Article 136. MAXIMUM DURATION. Every person shall have the right to a final judicial decision within a reasonable time. Therefore, all proceedings shall have a maximum duration of three years, counted from the first act of the proceedings.

This period may only be extended for a further six months when there is a conviction, in order to allow for the processing of appeals.

The flight or defiance of the accused shall interrupt the duration of the proceedings.

When the defendant appears or is captured, the time limit shall restart.

Article 137. EFFECTS. Once the period provided for in the previous article has expired, the judge or court, either ex officio or at the request of a party, shall declare the criminal action extinguished, in accordance with the provisions of this code.

When criminal proceedings are declared extinguished due to judicial delay, the victim shall be compensated by the officials responsible and by the State. The negligence of the officials involved shall be presumed, unless proven otherwise. In

the event of the official's insolvency, the State shall be directly liable, without prejudice to its right of recourse.

Article 138. STATUTE OF LIMITATIONS**.** The duration of the proceedings may not exceed the statute of limitations for criminal proceedings, when this is less than the maximum established in this chapter.

Article 139. PEREMPTIVENESS IN THE PREPARATORY STAGE. When the Public Prosecutor's Office has not brought charges or filed another request on the date set by the judge, and has not requested an extension or such an extension is not applicable, the judge shall order the Attorney General to request what he or she deems appropriate within ten days.
If this period elapses without a request being submitted by the Public Prosecutor's Office, the judge shall declare the criminal proceedings extinguished, without prejudice to the personal liability of the Attorney General or the prosecutor involved.

Article 140. COMPLAINT FOR DELAY OF JUSTICE. If the judge or court does not issue the corresponding decision within the time limits set forth in this code, the interested party may request prompt dispatch and, if this is not obtained within twenty-four hours, may file a complaint for delay of justice.
The judge or court shall immediately forward the proceedings to the person responsible for hearing the complaint, together with a brief report on the reasons for the delay, so that the appropriate decision may be taken.

The court hearing the complaint shall decide directly on the request, where possible, or shall summon the judge or court to do so within twenty-four hours of the proceedings being returned. If the judge or court insists on not deciding, they shall be replaced immediately, without prejudice to their personal liability.

Article 141. DELAY IN PERSONAL PRECAUTIONARY MEASURES. FICTITIOUS RESOLUTION. When a review of a precautionary measure involving deprivation of liberty has been requested or an appeal has been lodged against a decision denying release, and the judge or court does not decide within the time limits established in this code, the accused may request urgent dispatch, and if no decision is obtained within twenty-four hours, it shall be understood that release has been granted. In this case, the judge or court next in line shall order the release.

A new precautionary measure involving deprivation of liberty may only be ordered at the request of the Public Prosecutor's Office or the complainant, as the case may be.

Article 142. DELAY BY THE SUPREME COURT OF JUSTICE. FICTITIOUS DECISION. When the Supreme Court of Justice does not decide on an appeal

within the time limits established by this code, it shall be understood that it has accepted the solution proposed by the appellant, unless it is unfavourable to the defendant, in which case it shall be understood that the appeal has been rejected. If there are appeals from several parties, the solution proposed by the defendant shall be accepted.

When the appeal to be resolved refers to the cassation of a conviction, before applying the preceding rules, a new Criminal Chamber shall be formed within three days of the expiry of the time limit, which shall resolve the appeal within a period not exceeding ten days.

The justices of the Supreme Court of Justice who have lost their jurisdiction for this reason shall be held liable for misconduct.

The State shall compensate the plaintiff when he or she has lost his or her appeal for this reason, in accordance with the provisions of this chapter.

CHAPTER VI
COMMUNICATION BETWEEN AUTHORITIES

SECTION I
NATIONAL AUTHORITIES

Article 143. GENERAL PRINCIPLES. When an act or proceeding must be carried out by another judicial or administrative authority, or when it is necessary to request information related to the proceedings, the judge or court may order its compliance in writing.
The request shall indicate the specific request, the identification of the case in which the request is made, the identification of the applicant and the deadline for response, under penalty of law.

In urgent cases, any effective means of communication may be used to convey the content of the request, so that the requested authority may begin to process the proceeding, without prejudice to the subsequent written request.

Article 144. DUTY TO COOPERATE. Public authorities and officials shall cooperate with judges, the Public Prosecutor's Office and the police, processing without delay the requests they receive from them, in accordance with the provisions of this code, without prejudice to criminal liability for non-compliance.

Article 145. NON-COMPLIANCE, DELAY AND REFUSAL. When the request is partially or improperly complied with, delayed or refused, the judge, court or Public

Prosecutor's Office may apply to the Supreme Court of Justice to order or arrange for urgent cooperation.

SECTION II
FOREIGN AUTHORITIES AND EXTRADITION

Article 146. LETTERS ROGATORY. Requests addressed to foreign judges or authorities shall be made by letters rogatory and shall be processed in the manner established by current international law, international laws and customs.

However, urgent communications may be addressed directly to any foreign judicial or administrative authority, in anticipation of the request or response to a request.

Where applicable, the provisions relating to letters rogatory provided for in the Code of Civil Procedure shall apply.

Article 147. **EXTRADITION.** Matters relating to the extradition of accused or convicted persons shall be governed by current international law, the laws of the country, international customs or the rules of reciprocity when there is no applicable rule.

Article 148. ACTIVE EXTRADITION. The request for extradition of a defendant shall be ordered by the criminal judge, at the request of the Public Prosecutor's Office or the complainant, in accordance with the provisions of the previous article, and shall be processed through diplomatic channels.

Extradition may not be requested if a personal precautionary measure has not been ordered, as established in Book IV of this code.

The request for extradition of a convicted person shall be issued ex officio by the enforcement judge.

Article 149. **PASSIVE EXTRADITION.** When a foreign State requests the extradition of an accused or convicted person, the criminal judge of the corresponding capital of the Republic shall have jurisdiction.

The decision denying the extradition request shall be sent, in all cases, to the Criminal Chamber of the Supreme Court of Justice, which shall rule on it within fifteen days of receiving the proceedings.

If the person sought is in custody, they shall not be released until the Criminal Chamber of the Supreme Court of Justice has ruled. If the Chamber does not rule within the prescribed period, the person shall be released immediately and may not be detained again.

Article 150. PRECAUTIONARY MEASURES. The criminal judge may order the provisional detention and preventive imprisonment of the person subject to

extradition, provided that the existence of a sentence or imprisonment order is invoked, the nature of the punishable act is clearly determined, and it is a case in which preventive imprisonment is appropriate under this code in accordance with current international law.

In urgent cases, provisional detention may be ordered even if not all the documents required for extradition have been submitted.

Provisional detention may not last more than fifteen days, except where treaties establish a longer period.

The request for provisional arrest may be made by any reliable means and shall be communicated immediately to the Ministry of Foreign Affairs.

CHAPTER VII
NOTIFICATIONS, SUMMONSES, HEARINGS AND TRANSFERS

Article 151. GENERAL PRINCIPLE. Decisions shall be notified the day after they are issued, unless the law, the judge or the court stipulates a shorter period.

Unless otherwise provided by law, notifications shall be made in the manner provided for in this chapter.

Notifications shall be made by the official expressly appointed for that purpose, without prejudice to the assistance of other authorities when necessary.

Article 152. PLACE. Public prosecutors and public defenders shall be notified at their offices.

The other parties shall be notified at their actual or procedural address, unless they have expressly specified a special form of notification.

If they have not established a legal address or specified the manner in which they may receive notifications, the notification shall be made at any place where they are found, urging them to establish a legal address within three days.

If they do not respond to this request, they shall henceforth be notified within twenty-four hours of the decision being issued.

In the absence of these rules, notification shall be made by public notice.

If the accused is deprived of their liberty, they shall be notified at their place of detention.

Article 153. DEFENCE COUNSEL OR REPRESENTATIVES. The defence counsel or representatives of the parties shall be notified in their place, unless the nature of the act or the law requires that the person concerned be notified personally.
In the case of convictions or decisions imposing personal or real precautionary

measures, without prejudice to notification to the defence counsel, the accused or convicted person shall be notified personally.

Article 154. PERSONAL NOTIFICATION. When notification is personal, the notifier shall record it with the signature of the person notified and the date.

Article 155. FORM OF NOTIFICATION. Notification of a decision shall be made by delivering a copy to the interested party, with proof of receipt.

When the parties have accepted or requested it, they shall be notified by registered letter, facsimile or any other effective means of communication, in which case the period shall begin to run from the date of receipt, as certified by the post office or transmission office.

Other means of notification authorised by the Supreme Court of Justice may be used, provided that they do not cause defencelessness; in any case, the form accepted or suggested by the interested party shall be preferred.

Article 156. WARNING TO THE ACCUSED. When personal notification to the accused gives rise to a time limit for challenging a decision, the accused shall be instructed, either verbally or in writing, about the possible remedies and the time limit for filing them.
This warning shall be recorded in the notification report.

Article 157. NOTIFICATION AT THE ADDRESS. When the notification has to be made at the address, office or workplace, the notifier shall accompany two certificates containing the identification of the judge or court, the name of the case, a reference to the decision and a copy or transcript of the decision or act being brought to their attention.

One of the certificates shall record everything that took place at the time of notification and the signature of the person notified or the person who received it, who must be a r over eighteen years of age; the other certificate shall be delivered to the interested party or to the person who received it.

When the person to be notified is not found, or no one wants to receive it, the certificate shall be posted on the door of the house or room where the act is performed, in the presence of a witness who shall sign the corresponding certificate.

If the person notified or the third party who receives it in their absence does not know, does not want to or cannot sign, it shall be valid with the sole signature of the notifier, provided that they record the circumstance for which the signature of the person who received it does not appear.

Article 158. NOTIFICATION BY PUBLIC NOTICE. When the whereabouts of the person to be notified are unknown, public notices shall be published for three days in a mass media outlet with national circulation.

The edict shall contain:
1) the full name of the person, if possible;

2) the identification of the judge or court, its location and the name of the case; and

3) the order to appear.
In all cases, a record of the publication shall be kept, and it shall be carried out without prejudice to the measures taken by the judge or court to determine the whereabouts of the person concerned.

Article 159. NOTIFICATION BY READING. Decisions handed down during or immediately after oral hearings shall be notified by reading them aloud.

Article 160. REMOTE NOTIFICATION. When notification must be made outside the locality of the court, it may be done by any means of communication that ensures receipt of the message, with a record of the means used.

Article 161. NULLITY OF NOTIFICATION. The notification shall be null and void if it causes defencelessness.
1) if there has been an error regarding the identity of the person notified or the place of notification;

2) if the decision has been notified in an incomplete form;

3) if the date of service or, where required, the delivery of the copy is not recorded in the proceedings;

4) if any of the required signatures are missing; and

5) if there is a discrepancy between the original and the copy.

Article 162. SUMMONS. When the presence of a person is necessary for any procedural act, the judge, court, or prosecutor, as appropriate, shall order their summons. This shall be carried out in accordance with the prescribed forms of notification, as appropriate.

Defendants who are at liberty, the victim, witnesses, experts, interpreters, and court depositaries may be summoned by the police, officials of the Public Prosecutor's Office, or by certified telegram. They shall be warned of the penalties they will be liable to if they fail to appear and that, in this case, they will be compelled to appear by the police force, unless there is a justified reason. The warning shall take effect immediately.

Unjustified failure to appear shall result in the incurrence of costs, without prejudice to the corresponding criminal liability.

In all cases, the summons shall state, under penalty of nullity:
1) the authority that ordered it;

2) the name of the case;

3) the subject matter; and

4) the place, date and time when the summoned party must appear.

Article 163. **HEARING.** When the judge or court orders a hearing to be held, it shall set the date, time and place at which it is to be held, at least five days in advance. For this purpose, it shall be understood that all parties have been summoned, unless the summons refers to one of them in particular.

Article 164. NOTIFICATION OF THE PARTIES. When this code so provides, notifications shall be sent to the parties, which shall be served by the clerk or the bailiff, as the case may be; the proceedings in which they are ordered or copies thereof shall be delivered to the interested party, against receipt, at their expense. The clerk or the bailiff shall record the date of the act by means of a written order in the file, signed by him and by the interested party.

Any transfer that does not have a fixed legal deadline shall be considered granted for three days.

When the person to whom the transfer is to be made cannot be found, the decision shall be notified in accordance with the provisions of Article 157 of this Code.

The term shall begin to run from the following working day.

The interested party may withdraw the file or copies thereof from the registry, at their own expense, for the period remaining until the expiry of the term.

Once the period for which the transfer was made has expired without the proceedings being returned, following a report from the registrar, an immediate court order shall be issued to the bailiff to request or seize them, authorising him to search homes and use police force, as appropriate.

Transfers shall be null and void under the same terms as notifications.

TITLE II
NULLITIES

Article 165. PRINCIPLE. Acts performed in violation of the forms and conditions provided for in the Constitution, in current international law and in this code may

not be considered in support of a judicial decision or used as grounds for it, unless the nullity has been validated.

The parties may only challenge judicial decisions that cause them harm, based on the defect, in the cases and forms provided for in this code, provided that they have not contributed to causing the nullity. However, the defendant may challenge a judicial decision even if he or she has contributed to causing it.

The same shall apply when the nullity consists of the omission of an act provided for by law.

Article 166. ABSOLUTE NULLITIES. In addition to the cases expressly indicated in this code, those concerning the intervention, assistance and representation of the accused, in the cases and forms established by this code, or those involving non-compliance with or violation of the rights and guarantees provided for in the Constitution, current international law and this code, shall be considered absolute nullities.

Article 167. RENEWAL, RECTIFICATION OR COMPLIANCE. Nullities must be immediately remedied by renewing the act, rectifying the error, or complying with the omitted act, either ex officio or at the request of the interested party.

Under the pretext of renewing the act, rectifying the error, or complying with the omitted act, the procedure may not be retroactively applied to periods that have already expired, except in the cases expressly indicated by this code.

Article 168. REMEDYING RELATIVE NULLITIES. Except in cases of absolute nullity, the remedy of nullity may only be requested.
1) while the act is being performed or within twenty-four hours of its performance, when the person requesting it has been present at the act; and,

2) before the contested decision is issued, when the person requesting it was not present.

If, due to the circumstances of the act, it has been impossible to notice its nullity in a timely manner, the interested party must claim it within twenty-four hours after becoming aware of it.

The request for rectification shall describe the irregularity, identify the flawed or omitted act, and propose a solution.

Article 169. VALIDATION. Relative nullities shall be validated.
1) when the parties have not requested its rectification in a timely manner;

2) when those entitled to request it have expressly or tacitly accepted the effects of the act; and,

3) if, despite its irregularity, the act has achieved its purpose with respect to all interested parties.

Article 170. DECLARATION OF NULLITY. When it is not possible to remedy an act, nor is it a case of validation, the judge or court, either ex officio or at the request of a party, shall declare its nullity by means of a reasoned order or shall expressly indicate the nullity in the respective decision.

In any case, an attempt must be made to remedy the act before declaring the nullity of the proceedings.

Article 171. **EFFECTS.** The declared nullity of an act annuls all subsequent effects or acts that depend on it.

However, the proceedings may not be rolled back to previous stages, with serious prejudice to the accused, when the nullity is based on the violation of a guarantee provided in their favour.

When declaring it, the judge or court shall also establish which acts prior to or contemporaneous with the annulled act are affected by the nullity.

BOOK THREE
MEANS OF EVIDENCE

TITLE I
GENERAL RULES

Article 172. SEARCH FOR THE TRUTH. The judge, the court and the Public Prosecutor's Office shall seek the truth, in strict compliance with the provisions established by this code.

Article 173. **FREEDOM OF EVIDENCE.** The facts and circumstances related to the subject matter of the proceedings may be admitted by any means of evidence, except for the exceptions provided for by law.

A means of evidence shall be admitted if it relates, directly or indirectly, to the subject matter of the investigation and is useful for discovering the truth. The judge or court shall limit the means of evidence offered when they are manifestly excessive.

Article 174. EXCLUSIONS OF EVIDENCE. Acts that violate procedural guarantees enshrined in the Constitution, in current international law and in the laws, as well as all other acts that are a consequence thereof, shall be devoid of any probative value.

Article 175. EVALUATION. The evidence obtained shall be evaluated in accordance with sound judgement. The court shall form its opinion based on the joint and harmonious evaluation of all the evidence produced.

TITLE II
IMMEDIATE VERIFICATION AND AUXILIARY MEANS

Article 176. INSPECTION OF THE SCENE OF THE CRIME. The police shall guard the scene of the crime and shall verify, through inspection of the scene and the objects, the traces and other material effects resulting from the punishable act.

The police officer in charge of the inspection shall draw up a report describing in detail the state of affairs and, where possible, shall collect and preserve any useful evidence, recording it in the report.

The report shall be signed by two competent witnesses, if possible residents of the area, who shall have no connection with the police; under these formalities, it may be incorporated into the trial by being read aloud.

Article 177. REMOVAL AND IDENTIFICATION OF CORPSES. In the event of violent death or when there are indications that a punishable act has been committed, before proceeding with the burial of the deceased, the police shall carry out a preliminary physical examination, a description of the situation or position of the body and the nature of the injuries or wounds, in addition to the procedures ordered by the Public Prosecutor's Office or the judge.

The police shall attempt to identify the deceased by any means possible.

In the absence of the prosecutor or judge, the police, after carrying out the necessary procedures, shall proceed to remove the body and arrange for its transfer to the medical offices of the Judicial Police or to the place where the autopsy will be performed, its final identification, and its delivery to the family.

Article 178. **AUTOPSY.** When the cause of death is not clearly and unequivocally known from the external findings of the preliminary physical examination, an autopsy shall be performed on the body by the forensic medical team or, where appropriate, by the experts appointed, who shall report on the nature of the injuries, the manner and cause of death, and the circumstances surrounding it.

In all cases, the experts shall state whether death was caused by those injuries or whether it was the result of pre-existing, concomitant or subsequent causes unrelated to the incident.

If the Public Prosecutor's Office has not requested an autopsy, the other parties may request the judge to order one, in accordance with the rules governing irreproducible acts.

Article 179. INSPECTION OF PERSONS. The police may carry out a personal search, provided that there are sufficient grounds to believe that a person is concealing objects related to the punishable act in their clothing, belongings, or attached to their body.
Before proceeding with the search, the police must inform the person of the suspicion and the object being sought, inviting them to show the object.

The warning and inspection shall be carried out in the presence of two competent witnesses, if possible neighbours of the place, who shall have no connection with the police; under these formalities, a report shall be drawn up which may be incorporated into the trial by reading it aloud.

Article 180. PROCEDURE FOR INSPECTION OF PERSONS. Searches shall be carried out separately, respecting the modesty of the persons concerned.

The inspection of a person shall be carried out by another person of the same sex.

The inspection shall be recorded in a report signed by the person searched; if they do not sign, the reason shall be noted.

Article 181. INSPECTION OF VEHICLES. The police may search a vehicle provided there are sufficient grounds to believe that a person is concealing objects related to a criminal offence in it. The same procedure shall be followed and the same formalities shall be complied with as for the inspection of persons.

Article 182. COLLECTIVE INSPECTIONS. When the police carry out collective inspections of persons or vehicles as a preventive measure, they must notify the Public Prosecutor's Office six hours in advance.
If the collective inspection is carried out as part of an investigation that has already begun, it shall be carried out under the direction of the Public Prosecutor's Office.

If the inspection of specific persons or vehicles is necessary, the procedure shall be governed by the preceding articles.

Article 183. SEARCH. When there are sufficient grounds to believe that there is evidence of the punishable act under investigation or the presence of a fugitive or suspect in a public place, if a search warrant is not necessary, the police shall directly search the place.

When it is necessary to carry out a personal inspection or search of a piece of furniture or closed compartment intended for personal use in a public place, the articles regulating the procedure for the inspection of persons or vehicles shall apply analogously.

The person who lives in or is in possession of the place shall be invited to witness the search, or, if absent, the person in charge of the place, and in the absence of the latter, any person of legal age.

Where possible, useful evidence shall be preserved.

Article 184. FORMALITIES. A report shall be drawn up describing in detail the condition of persons, places, things, traces and other material effects that are useful for ascertaining the truth.
If the event did not produce any material effects, the current state of the objects shall be described, endeavouring to record their previous state, the manner, time and cause of their disappearance and alteration, and the means of evidence from which that knowledge was obtained.

Article 185. COERCIVE POWERS. For the purposes of conducting the search, it may be ordered that persons present at the location not leave during the proceedings or that any other persons appear immediately.

Those who disobey shall be liable as witnesses, without prejudice to being compelled by the police force, as provided for in this code.

The restriction of liberty shall not last more than six hours without a court order.

Article 186. TIMES. Searches, with or without a warrant, in enclosed or fenced areas, even if they are accessible to the public, may only be carried out between six in the morning and six in the evening.

However, night-time searches may be carried out:
1) in places open to the public, open during the night and in serious cases that cannot be delayed; and,

2) in cases where the judge expressly authorises it, by means of a well-founded decision.

Article 187. **SEARCH OF PRIVATE PREMISES.** When the search is to be carried out on private premises, whether residential or commercial, or in closed areas of a , a written and well-founded search warrant from a judge or court shall always be required.

Article 188. EXCEPTIONS. The following cases shall be exempt from the provisions of the preceding article.
1) when there are well-founded reports of strangers being seen entering a place with clear indications that they are going to commit a punishable act;

2) when the accused, who is being pursued for arrest, enters private property; and,

3) when voices coming from an enclosed place announce that a criminal act is being committed there or a cry for help is heard from it.

Article 189. WARRANT AND CONTENT OF THE ORDER. For the search, the judge shall issue a warrant containing the precise order, in accordance with the following requirements
1) the warrant shall state the judge or court ordering the search and a brief description of the proceedings;

2) the exact location or locations to be searched;

3) the authority designated to carry out the search;

4) the precise reason for the search, with an exact indication of the objects or persons sought and the procedures to be carried out; and

5) the date and signature of the judge.

The warrant shall be valid for two weeks, after which the authorisation shall expire, unless it has been issued for a specific period, in which case this information shall be included.

Article 190. PROCEDURE AND FORMALITIES. The search warrant shall be served on the person who lives in or is in possession of the place where it is to be carried out, by delivering a copy of the warrant to that person.

If they are absent, their representative shall be notified or, in their absence, any person of legal age who is present at the premises, preferably a relative of the former. The notified person shall be invited to witness the search. Likewise, if no one is found at the premises, or if the occupant of the house resists entry, police force shall be used to gain entry.

Once the search has been carried out, its results shall be recorded in a report, ensuring that the premises are closed and protected from other persons.

Article 191. SEARCH OF PUBLIC PREMISES. The restrictions established for the search of homes or rooms shall not apply to administrative offices or public buildings, temples or religious places, military establishments, commercial meeting or entertainment venues that are open to the public and not intended for family habitation. In these cases, a search warrant may be dispensed with if the persons in charge of the premises give their express and free consent. In the event of refusal or material impossibility of obtaining consent, a search warrant shall be required and police force may be used to enforce it.

The person who gave consent shall be invited to witness the search.

Authorisation from the competent official shall be required for entry into and search of offices belonging to a State authority.

If, during the course of the procedure, the person who gave the authorisation denies it or states that they consented under duress, the burden of proof of free consent shall lie with the person alleging it.

The requirements set forth in this code and the consent granted shall be recorded in the respective minutes.

Article 192. TECHNICAL OPERATIONS. For greater efficiency and quality of searches and inspections, technical or scientific operations, surveys and reconstructions may be ordered.
If the accused decides to participate in the proceedings, the rules provided for their statement shall apply.

The provisions established by this code shall govern the participation of witnesses, experts and interpreters.

Article 193. DELIVERY OF ITEMS AND DOCUMENTS. SEIZURES. Objects and documents related to the punishable act and subject to confiscation, which may be important for the investigation, shall be taken into custody or secured and preserved in the best possible manner.

Anyone in possession of the aforementioned objects or documents shall be obliged to present and deliver them when requested, following the means of coercion permitted for witnesses who refuse to testify.

If the requested objects are not handed over, they shall be seized.

Persons who are required to refrain from testifying as witnesses are exempt from this provision.

Article 194. OBJECTS NOT SUBJECT TO SEIZURE. The following may not be seized:
1) written communications between the accused and persons who may refrain from testifying as witnesses on the grounds of kinship or who must do so on the grounds of secrecy;

2) notes taken by the aforementioned persons on communications entrusted to them by the accused, or on any circumstances to which the right or duty to refrain from testifying extends; and

3) the results of examinations or diagnoses relating to medical science carried out under professional secrecy.

The limitation shall only apply when the communications or objects are in the possession of those persons who may refrain from testifying; or in the case of lawyers and medical professionals, if they are filed or in the possession of the law firm or hospital and private clinics.

Article 195. SEIZURE ORDER. The seizure order shall be issued by the judge in a reasoned decision.

Article 196. PROCEDURE. The procedure prescribed for search and seizure shall apply. The seized items shall be inventoried and placed in secure custody in the court's storage facilities or in places specially designated for this purpose, always at the disposal of the judge.

In the case of property of significant value, it shall be handed over to those who appear to be its legitimate owners, in their capacity as judicial depositaries.

After six months without any claim or identification of the owner or possessor, the objects may be delivered for storage to a welfare institution or public entity that needs them, which may only use them to fulfil the service they provide to the public. The same shall apply in the case of perishable goods that cannot be preserved.

If the seized items are at risk of being altered, disappearing, difficult to store or perishable, reproductions, copies or certifications of their existence and condition shall be ordered.

Seized objects shall be secured with the seal and signature of the person responsible for their custody. Documents shall be signed and sealed on each page.

Article 197. RETURN. Seized objects that are not subject to confiscation, restitution or seizure shall be returned as soon as they are no longer needed to the person from whom they were obtained.

This return may be ordered provisionally as a judicial deposit and the possessor may be required to produce them.

In the event of a dispute over the ownership, possession or control of an item or document, in order to deliver it into custody or return it, a separate proceeding shall be instituted, and the respective rules of civil procedure shall apply analogously.

Article 198. INTERCEPTION AND SEIZURE OF CORRESPONDENCE. Whenever it is useful for the investigation of the truth, the judge shall order, by reasoned decision, under penalty of nullity, the interception or seizure of correspondence by

letter, telegram or any other means, sent by or addressed to the accused, even under an assumed name.

The limitations on the seizure of documents or objects shall apply.

Article 199. OPENING AND EXAMINATION OF CORRESPONDENCE. Upon receipt of the intercepted correspondence or objects, the judge shall proceed to open them and record this in the minutes.

He shall examine the objects and read the contents of the correspondence to himself. If they are relevant to the proceedings, he shall order their seizure; otherwise, he shall keep their contents confidential and arrange for their delivery to the addressee.

Article 200. INTERCEPTION OF COMMUNICATIONS. The judge may order, by means of a well-founded decision, under penalty of nullity, the interception of the communications of the accused, regardless of the technical means used to obtain them.

The results may only be delivered to the judge who ordered them, who shall proceed as indicated in the previous article; he may order a written version of the recording or of those parts he considers useful and shall order the destruction of the entire recording or of those parts not related to the proceedings, after the Public Prosecutor's Office, the accused and his defence counsel have had access to them.

The interception of communications shall be exceptional.

Article 201. CLOSURE OF PREMISES AND SECURING OF MOVABLE PROPERTY. When the temporary closure of premises or the immobilisation of movable property that, due to its nature or size, cannot be kept in storage is essential for the investigation of a serious criminal offence, it shall be secured in accordance with the rules of seizure.

TITLE III
TESTIMONY

Article 202. **DUTY TO INTERROGATE.** Any person with knowledge of the facts under investigation shall be interrogated when their statement may be useful in discovering the truth.

Article 203. DUTY TO TESTIFY. Every person shall be obliged to appear when summoned by the court and to tell the truth about everything they know and are asked, except in the cases established by law.

Article 204. EXCEPTION TO THE DUTY TO APPEAR. The President of the Republic, the Vice-President, the members of the legislative chambers, the ministers of the

Supreme Court of Justice, the Attorney General of the State, the Solicitor General of the Republic, the Comptroller and Deputy Comptroller General of the Republic, the Ombudsman, the members of the Superior Court of Electoral Justice, members of the Council of the Magistracy, members of the Jury for the Prosecution of Magistrates, foreign ambassadors and consuls, and general officers of the Armed Forces on active duty and in times of war may request that the statement be made at the place where they perform their duties or at their domicile, for which purpose they shall propose, in a timely manner, the date and place of the statement.

Article 205. RIGHT TO ABSTAIN. The following may abstain from testifying:
1) the spouse or partner of the accused;

2) their ascendants or descendants, by blood or adoption; and

3) minors under the age of 14 and persons who are legally incompetent, who may decide through their legal representative.

The aforementioned persons shall be informed of their right to abstain from testifying before the start of each testimony. They may exercise this right even during their testimony, including for specific questions.

In the case of subsection 3), the statement shall be made in the presence of the legal representative.

Article 206. DUTY OF ABSTENTION. The following persons shall refrain from testifying, under penalty of nullity, about secret facts that have come to their knowledge by reason of their office or profession, unless expressly authorised by the person who entrusted them: lawyers, solicitors and notaries, doctors, pharmacists, midwives and other medical assistants, military personnel and public officials regarding state secrets.

Ministers or religious figures of any faith may refrain from testifying about what was told to them under the seal of confession.

If summoned, they must appear and explain the reasons for their abstention.

Article 207. **JUDICIAL CRITERION.** If the judge considers that the witness is wrongly invoking the right to abstain or the right to secrecy, he shall order their testimony by means of a reasoned decision.

Article 208. SUMMONS. For the examination of witnesses, a summons shall be issued in accordance with the provisions of this code.

In urgent cases, witnesses may be summoned verbally or by telephone.

The witness may also appear spontaneously, which shall be recorded.

Article 209. DISTANT RESIDENTS. When the witness does not reside in the place where the court is sitting, or in its vicinity, or when means of transport are difficult, the statement shall be taken by the judicial authority of their place of residence, only when their presence is impossible, in accordance with the provisions of this code.
If the witness lacks the financial means for travel, the judge shall make the necessary arrangements to ensure their appearance.

Article 210. **COMPULSION.** If the witness does not appear at the first summons, they shall be brought before the court by the police, without prejudice to their prosecution, where appropriate.

If, after appearing, the witness refuses to testify, he or she shall be detained for twenty-four hours, at the end of which, if the unjustified refusal persists, criminal proceedings shall be initiated against him or her.

Article 211. RESIDENTS ABROAD. If the witness is abroad, the national or international rules for judicial assistance shall be followed. However, the authorisation of the State in which the witness is located may be required so that the witness may be questioned by the consular representative or by the judge in the case, who may travel to the country where the witness is located for this purpose.

Article 212. IMMEDIATE ARREST. The judge may immediately order the arrest of a witness when there is a well-founded fear that they will hide, flee or have no fixed address. This measure shall last only as long as is necessary to take the statement, which shall never exceed twenty-four hours.
The Public Prosecutor's Office may order the detention of the witness for a maximum period of six hours in order to obtain the court order.

Article 213. FORM OF THE STATEMENT. Before beginning the statement, the witness shall be instructed about their obligations and the responsibilities for non-compliance and shall take an oath to tell the truth.

Each witness shall then be questioned separately about their name, surname, marital status, age, profession, address, family relationship and interest in the parties, and any other circumstances that may serve to assess their veracity.

If the witness fears for their physical safety or that of another person, they may give their address confidentially, but they may not conceal their identity.

The witness shall then be questioned about the facts.

Each statement shall be recorded in the minutes, except when made during oral hearings or in open court.

TITLE IV
EXPERT EVIDENCE

Article 214. EXPERT EVIDENCE**.** Expert evidence may be ordered when special knowledge in a science, art or technique is necessary to discover or assess a piece of evidence. Expert evidence must be provided by impartial, objective and independent experts.

Article 215. QUALIFICATIONS. Experts must be specialists and hold a qualification in the subject matter on which they are to give their opinion, provided that the science, art or technique is regulated. Otherwise, a person of proven suitability must be appointed.
The rules of expert evidence shall not apply to anyone who testifies about facts or circumstances of which they have direct knowledge, even if they use their special skills in a science, art or technique to provide information. In this case, the rules of testimonial evidence shall apply.

Article 216. INCAPACITY. The following persons may not act as experts:
1) those who, due to insufficient or impaired mental faculties, or immaturity, do not understand the significance of the act;

2) those who must refrain from testifying as witnesses;

3) those who have been witnesses to the event that is the subject of the proceedings; and

4) those who are disqualified.

Article 217. ORDER FOR EXPERT OPINION. Experts shall be selected and appointed by the judge or the Public Prosecutor's Office during the preparatory stage, provided that this does not constitute a preliminary hearing.

The number of experts shall be determined according to the complexity of the issues to be raised, taking into account the suggestions of the parties.

A single expert may be appointed when the issue is not complex.

Likewise, the subjects of the expert examination and the deadline for the presentation of the reports shall be precisely established.

Article 218. NOTIFICATION. Before commencing the expert proceedings, the judge shall notify the parties of the order to conduct an expert examination.

Article 219. RIGHTS OF THE PARTIES. Within the time limit set by the judge, either party may propose another expert to replace the one already appointed, or to give an opinion jointly with him, when, due to the particular circumstances of the case, his participation is desirable because of his experience or special suitability.

The parties may propose well-founded topics for the expert opinion and object to those admitted or proposed by another party.

Article 220. DISQUALIFICATION AND RECUSAL. The legal grounds for disqualification and recusal of experts shall be those established for judges.

Article 221. **SUMMONS AND ACCEPTANCE OF THE POSITION.** Experts shall be summoned in the same manner as witnesses; they shall have the duty to appear and perform the duties for which they were appointed.

If they are not suitable, are subject to any of the aforementioned disqualifications, present a reason that would justify their recusal, or suffer from a serious impediment, they shall state this when appearing, providing the necessary evidence to justify their claim.

Article 222. EXECUTION. The judge shall resolve all issues that arise during the expert proceedings.

The experts shall conduct the examination together, whenever possible; the parties and their technical consultants may attend and request any relevant clarifications, but must withdraw when the experts begin their deliberations.

If any expert fails to attend the expert proceedings within the time limit granted, due to negligence, for any serious reason or simply because they perform their duties poorly, the judge shall order their replacement.

Article 223. EXPERT OPINION. The opinion shall be well-founded and shall contain a detailed account of the operations carried out and their results, the observations of the parties or their technical consultants, and the conclusions reached on each subject studied, in a clear and precise manner.

The experts may issue separate opinions when there is a diversity of opinions among them.

The opinion shall be presented in writing, signed and dated, without prejudice to the oral report at the hearings.

Article 224. NEW EXPERTS. When the reports are doubtful, insufficient, or contradictory, the judge or the Public Prosecutor's Office may appoint one or more new experts, depending on the importance of the case, to examine and expand upon them or, if feasible and necessary, to perform the expert examination again.

The experts proposed by the parties may act in the same manner when they have been appointed after the expert examination has been carried out.

Article 225. JUDICIAL ASSISTANCE. The presentation or seizure of items and documents and the appearance of persons may be ordered if necessary to carry

out the expert operations. The accused and other persons may also be required to draw up a written statement, record their voice or carry out similar operations.

When the operation can only be carried out voluntarily by the person required and they refuse to cooperate, their refusal shall be recorded and the necessary measures shall be taken to remedy this lack of cooperation.

Article 226. TRANSLATORS AND INTERPRETERS. With regard to translators and interpreters, the provisions of this Title shall apply analogously.

TITLE V
OTHER MEANS OF EVIDENCE

Article 227. RECOGNITION. Documents, objects and other items of evidence incorporated into the proceedings may be shown to the accused, witnesses and experts for them to recognise or report on them.

Items of a confidential nature shall be examined privately by the judge; if they are useful for ascertaining the truth, they shall be incorporated into the proceedings, while maintaining their confidentiality.

Article 228. REPORTS. The judge and the Public Prosecutor's Office may request reports from any person or public or private entity.

Reports shall be requested verbally or in writing, indicating the proceedings in which they are required, the name of the accused, the place where the report is to be delivered, the deadline for its submission, and the consequences of failure to comply with the duty to report.

Article 229. IDENTIFICATION OF PERSONS. The identification of a person may be ordered in order to identify them or to establish that the person who mentions them actually knows them or has seen them.

When it is necessary to identify or recognise a person of whom only photographs are available, these shall be presented to the person who is to carry out the identification, together with at least four other similar photographs, and the preceding provisions shall be observed analogously. The same procedure shall apply when the accused does not submit to identification, or when he obstructs the proceedings.

Article 230. FORM. The person being identified shall be placed together with others of similar appearance.

The person conducting the identification shall be asked clearly whether they have seen the person mentioned after the event, whether the person mentioned is among those present, and if so, they shall be invited to point them out precisely.

When they have identified the person, they shall express the differences and similarities they observe between the condition of the person identified and the condition they had at the time referred to in their previous statement.

The observation of the line-up may be carried out from a hidden location, when deemed appropriate for the safety of the witness.

The proceedings shall be recorded in the minutes, which shall include all relevant circumstances, including the personal details and addresses of those who formed the line-up.

Precautions shall be taken to ensure that the accused does not disfigure himself.

The identification shall proceed even without the consent of the accused.

When the accused cannot be brought in, their photograph or other records may be used, observing the same rules.

During the preparatory stage, the defendant's defence counsel must be present at the proceedings, so that the minutes may be incorporated into the trial by being read aloud.

Article 231. MULTIPLE IDENTIFICATIONS. When several persons are required to identify a single person, each identification shall be carried out separately, without communication between them.

When there are several persons whom one person must identify, the identification of all of them may be carried out in a single act, provided that this does not prejudice the investigation or the defence.

Article 232. IDENTIFICATION OF AN OBJECT. Before identifying an object, the person who must identify it shall be invited to describe it. In all other respects, the above rules shall apply.

Article 233. CONFRONTATION. A confrontation may be ordered between persons who have made conflicting statements about important facts or circumstances, but the accused shall not be compelled to participate in the confrontation.

The defendant's defence counsel shall be present at the confrontation.

The rules governing testimony, expert evidence and the defendant's statement shall apply respectively.

BOOK FOUR
PRECAUTIONARY MEASURES

TITLE I
GENERAL RULES

Article 234. **GENERAL PRINCIPLES.** The only precautionary measures against the accused are those authorised by this code.
Precautionary measures shall only be imposed, exceptionally, by means of a well-founded judicial decision and shall last for the time absolutely necessary to cover the need for their application.

Article 235. NATURE. The measures shall be personal or real in nature.

Precautionary measures of a personal nature shall consist of apprehension, preventive detention and preventive imprisonment, the application of which shall be subject to restrictive criteria.

Precautionary measures of a real nature shall be those provided for in the Code of Civil Procedure. These may only be imposed in the cases expressly indicated by this code and in special laws.

Article 236. PROPORTIONALITY OF DEPRIVATION OF LIBERTY. Deprivation of liberty during the proceedings shall be proportional to the expected penalty.

Under no circumstances may it exceed the minimum penalty provided for each punishable act in the law, nor exceed the time limit set by this code for the completion of the proceedings or last more than two years.

Article 237. PROHIBITION OF DETENTION AND PREVENTIVE DETENTION. In the case of offences subject to private prosecution, those that do not carry a custodial sentence or where the sentence is less than one year's imprisonment, preventive detention may not be applied, without prejudice to alternative measures, which may be ordered according to the nature of each case.

Article 238. LIMITATIONS. Preventive detention may not be ordered for persons over the age of seventy, women in the last months of pregnancy, mothers who are breastfeeding their children, or persons affected by a duly verified serious and terminal illness. In these cases, if a personal precautionary measure is essential, house arrest shall be ordered.

TITLE II
PERSONAL PRECAUTIONARY MEASURES

Article 239. ARREST OF PERSONS. The National Police may arrest any person in the following cases, even without a court order:
1) when caught in the act of committing a punishable offence or when pursued

immediately after committing it; flagrante delicto shall be understood to exist when the perpetrator of the punishable offence is caught in the act of attempting or committing it, or immediately afterwards, or while being pursued by the police, by the victim or by a group of persons;

2) when they have escaped from a penal institution or any other place of detention; and,

3) when there is sufficient evidence of their involvement in a punishable act and in cases where preventive detention is appropriate.
Likewise, in cases of flagrante delicto, any person may apprehend the offender and prevent the offence from having consequences. The apprehended person shall be handed over immediately to the nearest authority.
The police authority that has apprehended a person must notify the Public Prosecutor's Office and the judge within six hours.

Article 240. DETENTION. The Public Prosecutor's Office may order the detention of a person in the following cases:
1) when the presence of the accused is necessary and there is reasonable grounds to believe that they are the perpetrator or participant in a punishable act and that they may hide, flee or leave the scene;
2) when, at the outset of the investigation, it is impossible to identify the accused and the witnesses and urgent action must be taken so as not to prejudice the investigation, preventing those present from leaving the scene, communicating with each other and altering the state of affairs and the scene; and

3) when the investigation of a punishable act requires the presence of any person to give a statement and that person refuses to do so.

In all cases, the person who has been arrested shall be brought before a judge within twenty-four hours so that the judge may decide, within the same period, on the appropriateness of preventive detention, apply alternative measures, or order release due to lack of merit.

The arrest warrant shall contain the personal details of the accused that serve to correctly identify them, a brief description of the offence that led to their arrest, and the identification of the authority that ordered their arrest.

Under no circumstances may the National Police order arrests; they shall limit themselves to making apprehensions in accordance with the provisions of the previous article and to executing arrest warrants issued by the Public Prosecutor's Office or the judge. They may also order the release of the apprehended or detained person when they consider that they will not request their preventive detention.

Article 241. SEARCH. When it is necessary to search closed premises or inhabited premises in order to carry out the apprehension or preventive detention, the court order must expressly state this authorisation, except in the cases provided for in this code.

Article 242. PREVENTIVE DETENTION. The judge may order preventive detention, after hearing the accused, only when it is indispensable and provided that the following requirements are met:
1) there is sufficient evidence of the existence of a serious criminal offence;

2) the presence of the accused is necessary and there is sufficient evidence to reasonably support the claim that he or she is the perpetrator or participant in a criminal act; and

3) when, based on an assessment of the circumstances of the particular case, there are sufficient facts to suggest that there is a risk of flight or possible obstruction by the accused of a specific investigative act.

Article 243. RISK OF FLIGHT. In deciding on the risk of flight, the following circumstances shall be taken into account:
1) lack of ties to the country, determined by domicile, family residence, business or work, and the ease with which the accused could permanently leave the country or remain in hiding;

2) the penalty that may be imposed as a result of the proceedings;

3) the significance of the damage caused and the attitude of the accused towards it; and

4) the defendant's behaviour during the proceedings or in previous proceedings from which it can reasonably be inferred that they are unwilling to submit to the investigation or criminal prosecution.

These circumstances must be expressly mentioned in the judicial decision ordering preventive detention.

Article 244. RISK OF OBSTRUCTION. In order to decide on the risk of obstruction of a specific investigative act, particular consideration shall be given to the serious suspicion that the accused:
1) will destroy, modify, conceal, suppress or falsify evidence;

2) will influence co-defendants, witnesses or experts to give false information or behave in a disloyal or reticent manner; or

3) induce others to engage in such behaviour.
These grounds may only serve as a basis for the accused's pretrial detention until the conclusion of the trial.

Article 245. ALTERNATIVE OR SUBSTITUTE MEASURES TO PREVENTIVE DETENTION. Whenever the danger of flight or obstruction can be avoided by the application of another measure less burdensome on the accused's liberty, the judge shall, ex officio, prefer to impose one of the following alternatives instead of preventive detention:
1) house arrest, at his own residence or that of another person, with or without supervision;

2) the obligation to submit to the supervision of a specific person or institution, who shall report periodically to the judge;

3) the obligation to appear periodically before the judge or before the authority designated by him;

4) prohibition from leaving the country, the locality in which he or she resides, or the territorial area determined by the judge;

5) prohibition from attending certain meetings or visiting certain places;

6) a prohibition on communicating with certain persons, provided that this does not affect the right to defence; and

7) the provision of adequate security, by the accused or by another person, through the deposit of money, securities, the creation of a pledge or mortgage, the delivery of property, or the surety of one or more suitable persons.

The judge may impose one or more of these alternatives, jointly or separately, depending on each case, taking the necessary measures to ensure compliance.

These measures shall not be imposed in a manner contrary to their purpose. When the accused is unable to comply with them due to reasonable material impossibility, in particular if they are notoriously insolvent or have the benefit of litigating without costs, financial security may not be imposed on them.
In all cases, when it is sufficient for the accused to take an oath to submit to the proceedings, a sworn bond shall be ordered before any of the other measures.

Measures imposed as alternatives to pre-trial detention, or which mitigate it, shall automatically and ipso jure cease to have effect two years after they were implemented, if the trial hearing has not commenced within that period.

Article 246. CONTENTS OF THE RECORD. Before executing the alternative or substitute measures, the clerk shall draw up a record containing:
1) notification of the accused;

2) the identification and address of the persons involved in the execution of the measure, their acceptance of the role or obligation assigned to them;

3) a precise indication of all the circumstances that may require the accused to be absent for more than one day;

4) indication of the address for service; and

5) a formal promise by the accused to appear when summoned by the judge.

Article 247. FORM AND CONTENT OF DECISIONS. Decisions ordering preventive detention, internment, or alternative or substitute measures must contain:
1) the personal details of the accused or those that serve to identify them;

2) a brief statement of the act or acts attributed to the accused;

3) the grounds, specifically indicating all the assumptions that motivate the measure, in particular, the existence of a risk of flight or obstruction;

4) the place or facility where the measure is to be carried out; and

5) the operative part, with a clear statement of the applicable rules.

Article 248. NATURE OF DECISIONS. A decision imposing, rejecting, or replacing a precautionary measure is revocable or amendable, even ex officio, at any stage of the proceedings, when the grounds for it have disappeared.

Article 249. EXEMPTION FROM PRECAUTIONARY MEASURES. The accused may appear before the judge, either in person or through a solicitor, before the measure is applied, in writing or orally, requesting exemption from preventive detention or other precautionary measures. The judge shall immediately decide on the request if it is admissible.

Article 250. RELEASE FROM CUSTODY AND REVIEW OF PRECAUTIONARY MEASURES. The judge, either ex officio or at the request of a party, shall order the immediate release of the accused when all the conditions required for the preventive detention order are not met.
The judge shall review the validity of the precautionary measures involving deprivation of liberty every three months and, where appropriate, shall replace them with less burdensome measures in accordance with the nature of the case or shall order the release of the accused.
The accused may also request the revocation or replacement of any precautionary measure as many times as he or she deems appropriate, without prejudice to the responsibility of the defence counsel, when the request is clearly dilatory or repetitive.

Article 251. PROCEDURE FOR REVIEW. The review shall be conducted in an oral hearing, which shall be convened within forty-eight hours, with all parties being summoned; however, it shall be conducted with those who attend. At the

conclusion of the hearing, the judge shall immediately issue a ruling, ordering the appropriate measures.

Article 252. REVOCATION OF PREVENTIVE DETENTION. Preventive detention shall be revoked:
1) when new evidence shows that the grounds on which it was based no longer exist or that it should be replaced by another measure;
2) when its duration exceeds or equals the minimum sentence provided for, taking into account the application of rules relating to the suspension of the execution of the sentence on probation;
3) when its duration exceeds the time limits established by this code; however, if a conviction has been handed down, it may last for three more months while the appeal is being processed; and,
4) when the restriction of the accused's liberty has taken on the characteristics of an early sentence or has caused limitations that exceed those necessary to prevent his escape.
Once the period provided for in paragraph 3) has expired, no new precautionary measure may be ordered, except for the summons or escort of the accused by police force for the sole purpose of ensuring their appearance at trial.

Article 253. APPEAL. The decision ordering, modifying, or rejecting precautionary measures shall be appealable.
The filing of the appeal shall not suspend compliance with the appealed measure. In such cases, the summons shall be issued for twenty-four hours, after which the judge shall immediately forward the necessary copies. The court of appeal shall decide, without further proceedings, within three days of receiving the proceedings.

Article 254. TREATMENT. The accused shall serve the restriction of their liberty in special establishments that are different from those intended for convicted persons, or at least in places that are completely separate from those intended for the latter.
The accused shall, at all times, be treated as innocent and held in preventive detention for the sole purpose of ensuring their appearance at the proceedings or the enforcement of the sentence.
Pre-trial detention shall be served in such a way that it does not take on the characteristics of a sentence, nor cause any limitations other than those essential to prevent escape or obstruction of the investigation, in accordance with prison laws and regulations.
The enforcement judge shall monitor the treatment of the defendant. When he finds that the detention has taken on the characteristics of an early sentence, he shall immediately notify the criminal judge of the proceedings, who shall decide

without further formalities within twenty-four hours.
Any leave, release or transfer shall be authorised by the criminal judge in the proceedings.

Article 255. COMMITMENT. The criminal judge may order the commitment of the accused to a care facility when the following requirements are met:
1) the existence of sufficient evidence to reasonably sustain that the accused is the perpetrator or participant in a punishable act;
2) verification, by expert examination, that the accused suffers from a serious mental disorder or impairment that makes him or her dangerous to himself or herself or to others; and
3) the existence of sufficient evidence that the accused will not submit to the proceedings or will obstruct a specific investigative act.

Article 256. INCOMMUNICADO DETENTION. The criminal judge may order the accused to be held incommunicado for a period not exceeding forty-eight hours and only when there are serious grounds for fearing that, otherwise, he or she will obstruct a specific act of the investigation. These grounds shall be stated in the decision.
This decision shall not prevent the accused from communicating with his or her defence counsel. The accused may also make use of books, writing materials and other items requested, provided that they cannot be used as a means of circumventing incommunicado detention, and may carry out urgent civil acts that do not diminish his or her solvency or prejudice the proceedings.
The Public Prosecutor's Office may order the incommunicado detention of the detainee only for a period not exceeding six hours, as necessary to obtain the respective court order.
These periods may not be extended.

Article 257. BAIL. The criminal judge may set the type and amount of bail and shall decide on the suitability of the guarantor.
The bail may be personal, real or sworn.
Personal bail may be granted by any person who has sufficient ties to real estate and has the legal capacity to enter into contracts.
Real surety may be constituted by means of a real guarantee or deposit of reasonable sums of money or securities set by the judge in relation to the defendant's assets to cover the financial penalties and the value of the legal costs.
A sworn bond may be granted by the accused when the nature of the punishable act attributed to them leads to the presumption that they will not evade justice.
When the bond is provided by another person, that person shall assume joint and several liability with the defendant for the payment of the amount set.

With the judge's authorisation, the defendant and the guarantor may substitute the bond for another of equivalent value.

Article 258. ENFORCEMENT OF BAIL. In cases of contempt of court or when the accused evades enforcement of the sentence, a period of no less than five days shall be set for them to appear at the proceedings or serve the sentence imposed. This summons shall be notified to the guarantor, warning them that if the accused fails to appear or does not justify being prevented from doing so by force majeure, the bail shall be enforced in accordance with the provisions of this code.

Article 259. CANCELLATION OF BAIL. The bail shall be cancelled and the affected property returned, provided that it has not been previously executed:
1) when the accused is placed in preventive detention or under house arrest;
2) when the decision imposing the bond is revoked;
3) when the accused is acquitted or the case is dismissed by final decision;
4) when the custodial sentence begins to be served or is waived; and
5) upon payment of the fine imposed in the sentence.

TITLE III
PRECAUTIONARY MEASURES OF A REAL NATURE

Article 260. PRECAUTIONARY MEASURES OF A REAL NATURE. Precautionary measures of a real nature shall be ordered by the criminal judge, at the request of a party, to ensure the reparation of damage.
The procedure and resolution shall be governed by the Code of Civil Procedure.

BOOK FIVE
COSTS AND COMPENSATION
TITLE I
COSTS

Article 261. IMPOSITION. Any decision that terminates the proceedings or an incidental proceeding shall rule on the payment of the costs of the proceedings. These shall be imposed on the losing party, unless the court finds sufficient reason to exempt them entirely or to impose them in the order caused.
If the evidence in the proceedings shows that the convicted party is manifestly insolvent, the judge or court may order the case to be closed without replacement of the seal.

Article 262. EXEMPTION. Representatives of the Public Prosecutor's Office shall not be ordered to pay costs, except in cases where they have performed their duties poorly and without prejudice to any disciplinary liability they may incur.

Article 263. CONTENT. Costs shall include:
1) court fees;
2) expenses incurred in the processing of the proceedings; and
3) the payment of fees, regulated in accordance with the tariff of lawyers and other professionals who have participated in the proceedings.

Article 264. CONVICTION. Costs shall be imposed on the convicted person by virtue of a final judgment.
If acquittals and convictions are handed down in a single judgment, the court shall establish the percentage corresponding to each of the parties responsible. Those convicted for the same offence shall be jointly and severally liable for the costs.
This provision shall not apply to criminal enforcement and precautionary measures.

Article 265. ACQUITTAL. Where the innocence of the accused has been reliably proven in an acquittal, the costs shall be borne by the State.

Article 266. FINAL DISMISSAL AND EXTINCTION OF CRIMINAL PROCEEDINGS. In cases of final dismissal and declaration of extinction of criminal proceedings, the previous article shall apply analogously, except when the decision is based on the extinction of the action due to a cause supervening after the prosecution has already begun, in which case the court shall set the percentages corresponding to the defendants and the State.

Article 267. PROVISIONAL DISMISSAL AND CLOSURE. When criminal prosecution cannot continue, resulting in the closure or provisional dismissal of the proceedings, each party and the State shall bear the costs in the order in which they were incurred.

Article 268. VICTIM AND JOINT PLAINTIFF. When the joint plaintiff has participated in the proceedings by means of a false or reckless accusation, the court may impose all or part of the costs on them.
The victim who reported the incident shall bear their own costs, unless these are to be borne by the convicted person.

Article 269. INCIDENTAL PROCEEDINGS AND APPEALS. If an incidental proceeding is brought or an appeal is lodged, the costs shall be borne by the party who brought it or lodged it, when the decision is unfavourable to them; if they are successful, the costs shall be borne by those who opposed their claim, in the proportion determined by the court.
If no one opposed the claim, each party shall bear the costs incurred by its own intervention.

Article 270. PRIVATE ACTION. In proceedings for punishable acts subject to private action, the costs shall be borne by the independent complainant in the event of

acquittal, dismissal, rejection or closure of the case, and by the defendant in the event of conviction.
Where the defendant retracts, he shall bear the costs.
In this case, and in the case of withdrawal of the criminal action, the court may decide on the costs in accordance with the agreement reached by the parties.
Where the independent complainant has brought the proceedings by means of a false or reckless accusation, the court may impose all or part of the costs on him.

Article 271. JURISDICTION. The judge or the sentencing court, through one of its members, as appropriate, shall have jurisdiction over the settlement of costs.
The decision shall be subject to appeal.

Article 272. SETTLEMENT AND ENFORCEMENT. The clerk shall prepare a draft settlement within three days, regulating, in accordance with the tariff, the fees payable to lawyers, experts, translators and interpreters throughout the proceedings, including appeals and cassation proceedings.
Once the draft has been submitted, it shall be made available at the registry for a period of three days so that the parties may be notified and challenge it.
The judge shall rule on any challenges or once the period has expired.

TITLE II
COMPENSATION TO THE ACCUSED

Article 273. REVIEW. When, as a result of the review of the proceedings, the convicted person is acquitted or given a lesser sentence, they shall be compensated for the time spent in custody or for the time suffered in excess.
This provision shall apply, by analogy, in cases where the review concerns a measure.
The fine or its excess shall be refunded.

Article 274. DETERMINATION. When deciding on the review, the judge shall, ex officio, set the compensation at the equivalent of one day's fine for each day of unjust deprivation of liberty.
If the defendant accepts this compensation, they shall lose the right to claim it before the civil courts; if they do not accept it, they may freely file their claim in accordance with the provisions of civil law.

Article 275. PRECAUTIONARY MEASURES. This compensation shall also apply when the acquittal or final dismissal is based on the innocence of the accused and the latter has suffered deprivation of liberty during the proceedings.

Article 276. OBLIGATION. The State shall always be obliged to pay compensation, without prejudice to its right to seek recourse against any other party liable. To this end, the court may impose joint and several liability, in whole or in part, on those who have contributed wilfully or through gross negligence to the miscarriage of

justice.
In the case of unjustly imposed precautionary measures, the court may impose the obligation, in whole or in part, on the complainant or plaintiff who has made false statements about the facts.

Article 277. PARDON OR MORE BENIGN LAW. The application of a subsequent more benign law, an amnesty or a pardon shall not give rise to the compensation regulated herein.

Article 278. DEATH OF THE RIGHTFUL CLAIMANT. If the person entitled to compensation has died, their successors may collect the compensation.

PART TWO
PROCEDURES
BOOK ONE
ORDINARY PROCEDURE
TITLE I
PREPARATORY STAGE
CHAPTER I
GENERAL RULES

Article 279. PURPOSE. The purpose of the preparatory stage shall be to verify, through proceedings aimed at discovering the truth, the existence of a criminal act, to identify the perpetrators and individuals involved, to gather evidence that may be used to support, where appropriate, the prosecution or the plaintiff's case, as well as the defence of the accused, and to verify the personal circumstances, background and mental state of the accused.
The Public Prosecutor's Office shall be responsible for investigating all facts and circumstances that are punishable by public action and shall act at all times with the assistance of the National Police and the Judicial Police.

Article 280. SCOPE OF THE INVESTIGATION. It is the obligation of the Public Prosecutor's Office to extend the investigation not only to the circumstances of the charge but also to those that serve to exonerate the accused, seeking to gather evidence urgently and acting at all times in accordance with objective criteria.

Article 281. INVESTIGATION FILE. The Public Prosecutor's Office shall compile an investigation file for each case, gathering the acts and evidence, its written submissions and those submitted by the parties, as well as all other documents pertaining to its proceedings or necessary for preparing the indictment, following only criteria of order and usefulness.
This file shall be numbered and entered in a public register, which shall contain the details of the prosecutor in charge of the investigation.
In cases of preliminary evidentiary hearings, the judge shall determine in each

case whether the records shall remain in the possession of the Public Prosecutor's Office or in the court file.
Except for the records referred to in the previous paragraph and other evidence that this code authorises to be introduced into the trial by reading them aloud, the proceedings in the investigation file shall have no probative value for the conviction of the accused.

Article 282. JUDICIAL CONTROL. The investigative proceedings of the Public Prosecutor's Office, the National Police, and the Judicial Police shall always be conducted under judicial control.
Criminal judges shall be responsible for conducting preliminary judicial hearings, resolving incidents, exceptions and other requests from the parties, granting authorisations and, in general, ensuring compliance with all the principles and guarantees established in the Constitution, in current international law and in this code.
Prosecutors may not perform acts that are strictly jurisdictional, and judges, except for the exceptions expressly provided for in this code, may not perform investigative acts that compromise their impartiality.

Article 283. JUDICIAL RECORD. During the preparatory stage, criminal judges shall keep a fully individualised record of proceedings, which shall include only the submissions of the parties, their own decisions and the records of preliminary evidence that they decide to keep in their possession. In particular, notifications, summonses, mere procedural submissions, or any other documents of minor importance shall not be kept in this file.
The clerks shall establish the manner in which notifications, summonses or procedural documents that may be of interest are to be kept.

CHAPTER II
INITIAL ACTIONS
SECTION I
COMPLAINT

Article 284. COMPLAINT. Any person who has knowledge of a punishable offence may report it to the Public Prosecutor's Office or the National Police. When criminal proceedings depend on a private complaint, only those who have the right to bring proceedings in accordance with the provisions of the Criminal Code may file a complaint.

Article 285. FORM AND CONTENT. The complaint may be filed in writing or verbally, in person or through a representative. When filed verbally, a record shall be made; when filed through a representative, a special power of attorney shall be required.
In both cases, the official receiving the report shall verify and record the identity

and address of the complainant.
The complaint shall contain, as far as possible, a detailed account of the incident, indicating the perpetrators and participants, victims, witnesses and other evidence that may lead to its verification and legal classification.

Article 286. OBLIGATION TO REPORT. The following persons shall be obliged to report punishable acts subject to public prosecution:
1) public officials and employees who become aware of the offence in the course of their duties;
2) doctors, pharmacists, nurses, and other persons practising any branch of medical science, provided that they become aware of the offence in the exercise of their profession or trade and that it has not been entrusted to them under professional secrecy; and
3) persons who, by provision of law, authority, or legal act, are responsible for the management, administration, care, or control of the assets or interests of an institution, entity, or person, with respect to punishable acts committed to the detriment of the latter or of the assets or patrimony placed under their care or control, provided that they become aware of the act in the exercise of their duties.
In all these cases, reporting shall cease to be mandatory if it reasonably risks criminal prosecution of oneself, one's spouse, cohabitant, or relative within the fourth degree of consanguinity or adoption, or second degree of affinity, or when the facts were learned under professional secrecy.

Article 287. EXEMPTION FROM REPORTING. No one shall be obliged to report when the offender is their spouse, cohabitant, ascendant, descendant, sibling, adoptive parent or adopted child, unless the punishable act was committed against the complainant or against persons they legally represent, or against a person whose kinship is equal to or closer than that of a sibling.

Article 288. PARTICIPATION AND LIABILITY. The complainant shall not be a party to the proceedings and shall not incur any liability, except where the allegations are false or the complaint has been made recklessly.
When the judge qualifies the complaint as false or reckless, he shall order the complainant to pay the costs.

Article 289. REPORT TO THE POLICE. When the report is filed with the National Police, the latter shall inform the Public Prosecutor's Office and the judge within six hours and shall commence the preliminary investigation in accordance with the provisions of Section III of this Chapter.

Article 290. COMPLAINT TO THE PUBLIC PROSECUTOR'S OFFICE. Upon receiving a complaint or reliable information by any means regarding the commission of a punishable act, the Public Prosecutor's Office shall organise the investigation in accordance with the rules of this code, requesting the immediate assistance of the

National Police, unless it conducts the investigation through the Judicial Police. In all cases, it shall inform the judge of the commencement of the investigation within six hours.

SECTION II
COMPLAINT

Article 291. COMPLAINT. The joint or independent complaint, as the case may be, shall be filed in writing with the criminal judge and shall contain:
1) the personal details of the complainant, the document proving their identity, the details of the person represented, if applicable, and those of the sponsoring lawyer;
2) the actual address and the address for service;
3) in the case of legal persons, the company name, address and personal details of their legal representative;
4) a detailed account of the incident, its background or known consequences, if possible, indicating the perpetrators, participants, victims and witnesses;
5) details of the evidence or supporting documents; and
6) the documentary evidence or an indication of where it is located.

Article 292. PROCEDURE AND DECISION. The judge shall admit or reject the complaint and notify the accused and the Public Prosecutor's Office of their decision, as appropriate.
If any of the requirements set forth in the previous article are missing, the judge shall order that they be completed within three days.
The parties may oppose the admission of the complainant by means of the corresponding r exceptions.
The decision to reject the complaint is appealable.

Article 293. TIMELINESS. The complaint must be filed before the Public Prosecutor's Office concludes its investigation. If it is filed on the date set for the indictment, it must comply with all the requirements for the indictment.

Article 294. WITHDRAWAL AND ABANDONMENT. The complainant may withdraw or abandon their complaint at any time during the proceedings.
In that case, they shall bear their own costs and shall be subject to the general decision.
The complaint shall be deemed to have been abandoned:
1) when, having been summoned to give testimony, they fail to appear without just cause;
2) when they do not bring charges or attend the preliminary hearing without just cause;
3) when they do not offer evidence to support their accusation; and
4) when they fail to appear at the trial or are absent from it without the court's

authorisation.
The abandonment shall be declared ex officio or at the request of any of the parties.
The decision shall be appealable.
Withdrawal and abandonment shall prevent any further prosecution by the complainant in relation to the same facts that were the subject of the complaint and in relation to the defendants who participated in the proceedings.

Article 295. LIABILITY. The complainant shall be personally liable if they falsify the facts or litigate recklessly.

SECTION III
PRELIMINARY POLICE INTERVENTION

Article 296. PRELIMINARY PROCEEDINGS. National Police officers and agents who become aware of a punishable offence shall report it to the Public Prosecutor's Office and the judge within six hours of their first intervention.
Under the direction and control of the prosecutor in charge of the investigation, they shall carry out preliminary proceedings to urgently gather or secure evidence and prevent the suspects from fleeing or going into hiding.
They shall act in the same manner when the Public Prosecutor's Office entrusts them with a preventive investigation.

Article 297. POWERS. The National Police shall have the following powers, without prejudice to others established in the Constitution and in special laws:
1) to receive written complaints or draw up written reports of verbal complaints, as well as to take statements from complainants;
2) to receive brief statements from those who have witnessed the commission of the offences and to identify them correctly;
3) to carry out procedures aimed at physically identifying the perpetrators and participants in the punishable act;
4) gather information that will help to identify the accused and, to this end, question the suspect about the circumstances surrounding the offence under investigation in order to take the necessary urgent measures;
5) apprehend the alleged perpetrators and participants in accordance with the provisions of this code;
6) search individuals, provide assistance to victims as required, and protect witnesses;
7) monitor and protect the scene of the crime so that traces and evidence of the punishable act are not destroyed;
8) draw up plans, take photographs, make video recordings and carry out other technical or scientific operations;
9) collect and preserve objects and instruments related to the crime;

10) seize documents, accounting books, photographs, and any other material that may be useful to the investigation, with prior judicial authorisation. National Police officers may not open any correspondence they seize, which shall be forwarded intact to the Public Prosecutor's Office;
11) keep in custody, under inventory, any objects that may be seized; and
12) gather all urgent information that may be useful to the Public Prosecutor's Office.
The accused and their defence counsel may participate in all proceedings conducted by the National Police and shall have access to all investigations carried out, in accordance with the provisions of this code, except when they are confidential, as established by law.

Article 298. BASIC PRINCIPLES OF ACTION. Police officers and agents shall apprehend or detain defendants, in the cases authorised by this code, in strict compliance with the following basic principles of action:
1) use force only when strictly necessary and to the extent required to carry out the arrest;
2) not to use weapons, except when there is resistance that endangers the life or physical integrity of persons, or for the purpose of preventing the commission of another punishable act, within the limitations referred to in the previous paragraph. In the event of escape, weapons shall only be used when less extreme measures are insufficient to achieve the arrest of the accused and after prior warning of their use;
3) not to inflict, instigate or tolerate any act of torture or torment or other cruel, inhuman or degrading treatment or punishment, either at the time of capture or arrest, or during the period of detention;
4) not allow detainees to be presented to any media outlet without their express consent, which shall be given in the presence of their defence counsel, after consultation, and shall be recorded in the respective proceedings;
5) identify themselves, at the time of arrest, as police authorities and verify the identity of the person or persons against whom they are proceeding. The identification of the person to be arrested shall not be required in cases of flagrante delicto;
6) inform the person at the time of arrest of all the rights of the accused;
7) at the time of arrest, inform the relatives or other
persons related to the accused of the facility to which they will be taken; and
8) record the place, date and time of the arrest in an unalterable register.

Article 299. FORMALITIES. The National Police shall create an individualised file in which it shall document its actions and gather all available information. This file shall contain the personal details of the officer in charge of the police intervention,

the personal details of all persons who participated in it and those who provided information, as well as any circumstances of interest to the investigation.

Article 300. REFERRAL OF PROCEEDINGS. Once the preliminary proceedings have been completed, the police proceedings and the seized objects shall be referred to the Public Prosecutor's Office no later than five days after the police intervention began.
The Public Prosecutor's Office may request the proceedings at any time or authorise, on a one-time basis, a five-day extension for their conclusion and referral.

CHAPTER III
PROSECUTOR'S REQUEST AND INDICTMENT

Article 301. PROSECUTOR'S REQUEST. Once the police investigation has been received or the initial investigations have been carried out, and depending on the course of the investigation, the prosecutor shall submit his request to the criminal judge or justice of the peace, as appropriate.
He may request:
1) the dismissal of the complaint, lawsuit or police proceedings under the conditions of Article 305 of this code;
2) the application of criteria of opportunity that allow for the waiver of criminal prosecution when the circumstances provided for in Article 19 of this Code apply;
3) the conditional suspension of the proceedings, in accordance with the provisions of Article 21 of this Code ( );
4) the conduct of summary proceedings, in accordance with the provisions of Article 420 of this Code;
5) a conciliation hearing is held, in accordance with Article 311 of this Code; and
6) notification of the indictment.

Article 302. INDICTMENT. When there is sufficient evidence to suspect the existence of the offence and the involvement of the accused, the prosecuting officer shall draw up an indictment, which shall be communicated to the competent criminal court. In it, the prosecuting officer shall:
1) identify the accused or correctly individualise them if they have not yet been identified;
2) succinctly describe the act or acts with which the accused is charged; and
3) indicate the time it is estimated will be needed to formulate the indictment within the maximum period established for the preparatory stage.

Article 303. NOTIFICATION. Upon receiving the indictment, the criminal judge shall consider the proceedings to have commenced, carry out the relevant checks, and notify the victim and the accused. In the notification, the judge shall also indicate the exact date on which the prosecutor must present the indictment,

within the maximum time limit established for the preparatory stage, taking into account a reasonable time limit based on the nature of the offence.
A copy of the indictment shall be made available to the prosecutor for the purposes of notification.

Article 304. PRECAUTIONARY MEASURES. The indictment shall not necessarily imply the application of a precautionary measure. When deemed appropriate, the prosecutor shall request the criminal judge to apply any of the precautionary measures provided for in accordance with the rules of this code.
However, a precautionary measure may not be requested or applied if there is no prior well-founded indictment.

Article 305. DISMISSAL. The Public Prosecutor's Office shall request the judge, by means of a well-founded request, to dismiss the complaint, the lawsuit or the police proceedings, when it is clear that the act does not constitute a punishable offence, or when there is a legal obstacle to the proceedings.

Article 306. EFFECTS. The decision ordering the dismissal may not be modified unless the circumstances on which it is based change or the obstacle preventing the proceedings from going ahead remains.
When deciding on the dismissal, the judge shall return the proceedings to the Public Prosecutor's Office, which shall organise the filing of the dismissed cases.
If the judge does not admit it, he or she shall order the investigation to continue and shall issue a new request in accordance with the provisions of Article 314 of this Code.
The decision to admit the dismissal shall be appealable.

Article 307. OPPORTUNITY. When the law allows the application of criteria of opportunity to dispense with the exercise of public action or to terminate it, the Public Prosecutor's Office may request a decision from the judge, who shall decide to declare the criminal action extinguished or to suspend the proceedings, as the case may be.

Article 308. CONDITIONAL SUSPENSION OF PROCEEDINGS. When permitted by law, the accused or the Public Prosecutor's Office, with the consent of the accused, may request the conditional suspension of proceedings.
The judge shall hear the accused and decide immediately on the suspension and, if granting it, shall specify the instructions and rules to be followed. Otherwise, the judge shall order the continuation of the proceedings, through the appropriate channels.
The enforcement judge shall be responsible for monitoring compliance with the rules and shall also decide on their revocation.

Article 309. OBLIGATION TO SECURE EVIDENCE. The request for conditional suspension of the proceedings or the application of criteria of opportunity shall not exempt the Public Prosecutor's Office from the obligation to carry out the necessary steps to secure the essential evidence.

Article 310. SUMMARY PROCEEDINGS. When the Public Prosecutor's Office requests the application of summary proceedings, it shall proceed in accordance with the provisions of Book Two of this Code.

Article 311. CONCILIATION. In cases where this Code or special laws authorise the termination of criminal proceedings due to compensation for damages, the Public Prosecutor's Office may request that a conciliation hearing be convened. The judge shall convene a hearing of the parties within five days and, where appropriate, shall approve the agreements and declare the criminal proceedings terminated.

Article 312. REQUEST BEFORE THE JUSTICE OF THE PEACE. In cases where the Public Prosecutor's Office requests dismissal, the application of criteria of opportunity, conciliation, conditional suspension of proceedings, or summary proceedings, it may make its request before the justice of the peace, who shall proceed in accordance with the special procedure provided for in Book Two of this Code.

Article 313. CLOSURE OF THE CASE BY THE PROSECUTION. If it has not been possible to identify the accused, the Public Prosecutor's Office may, on its own authority, order the closure of the proceedings. The investigation may be reopened at any time and the time limit for making the request to the prosecution shall be calculated from the reopening of the case.
The victim who filed the complaint and requested to be informed shall be notified of the closure and may object to the closure before the criminal judge, requesting an extension of the investigation, indicating the means of evidence that can be used or identifying the accused.
If the judge accepts the objection, he or she shall order the investigation to continue.

Article 314. OBJECTION BY THE JUDGE. If the judge does not accept the prosecutor's request, he shall refer the proceedings back to the prosecutor so that he may amend his request within a maximum period of ten days.
If the prosecutor ratifies his request and the judge insists on his opposition, the proceedings shall be sent to the Attorney General, or to the senior prosecutor designated by him, so that he may file a new request or ratify the actions of the junior prosecutor.
When the Public Prosecutor's Office insists on its request, the judge shall rule in

accordance with the request, without prejudice to the possibility of the decision being challenged by the complainant or the victim, as the case may be.

CHAPTER IV
INVESTIGATIVE ACTIONS

Article 315. PROSECUTORIAL INVESTIGATION. When the Public Prosecutor's Office, ex officio, becomes aware of an alleged punishable act, by any reliable means, or through a complaint, lawsuit, or preliminary police intervention, it shall prevent the act from producing consequences and shall promote and direct its investigation, with the direct assistance of the National Police or the Judicial Police.

The Public Prosecutor's Office shall investigate in order to try to substantiate the request for trial, but shall refrain from bringing charges when it finds no grounds for doing so or when the evidence it has gathered is insufficient to secure a conviction.

Article 316. POWERS OF THE PUBLIC PROSECUTOR'S OFFICE. The Public Prosecutor's Office shall carry out all the proceedings and actions of the preparatory stage that do not require judicial authorisation or have jurisdictional content.

The Public Prosecutor's Office may request information from any public official or employee, summoning them according to the circumstances of the case.

All public authorities are obliged to cooperate with the investigation, according to their respective competences, and to comply with requests or demands for reports made in accordance with the law.

Article 317. PARTICIPATION IN PROCEEDINGS. The Public Prosecutor's Office shall allow the parties to be present at the proceedings it conducts, ensuring that their participation does not obstruct the conduct of the activities.

Article 318. PROPOSAL OF PROCEEDINGS. Any of the parties may propose proceedings at any time during the investigation. The Public Prosecutor's Office shall carry them out if it considers them relevant and useful, and shall state the reasons for its refusal, for the purposes that may subsequently arise.

Article 319. CONFLICT OF JURISDICTION. The processing of a conflict of jurisdiction shall not exempt the Public Prosecutor's Office from its duty to carry out investigative proceedings.

Article 320. PRELIMINARY JUDICIAL EXAMINATION OF EVIDENCE. When it is necessary to carry out an examination, reconstruction, inspection or expert assessment, which by their nature and characteristics must be considered definitive and irreproducible, or when a statement must be taken which, due to some obstacle that is difficult to overcome, is presumed to be impossible to take during the trial, the Public Prosecutor's Office or any of the parties may request the

judge to do so.
The judge shall carry out the act, if he or she considers it admissible, summoning all the parties, who shall have the right to attend, with the powers and obligations provided for in this code.
If the judge rejects the request, the matter may be referred directly to the court of appeal, which shall decide without further proceedings and immediately, ordering the act to be performed if it considers it admissible.

Article 321. URGENCY. When the accused has not been identified or when any of the acts provided for in the previous article are of extreme urgency, the Public Prosecutor's Office may verbally request the intervention of the judge, who shall carry out the act without the summonses provided for, appointing a public defender to oversee the act.

Article 322. NATURE OF THE PROCEEDINGS. The preparatory stage shall not be open to third parties. The proceedings may only be examined by the parties, either directly or through their representatives.
The Public Prosecutor's Office may take reasonable and necessary measures to protect and isolate evidence at the locations where a punishable act is being investigated, in order to prevent the disappearance or destruction of traces, evidence, and other material elements.
Lawyers who invoke a legitimate interest shall be informed by the Public Prosecutor's Office of the status of the investigation and of any suspects or detainees, so that they may decide whether to accept the case.
The parties and officials involved in the investigation and any other persons who, for any reason, have knowledge of the proceedings or actions carried out shall be obliged to maintain secrecy.
Failure to comply with this obligation shall be considered a serious offence and may be punished in accordance with the provisions of this code or the disciplinary regulations.

Article 323. CONFIDENTIALITY OF PROCEEDINGS. The Public Prosecutor's Office may request the judge, only once, to partially classify the proceedings for a period not exceeding ten calendar days, provided that this is essential for the effectiveness of an act during the investigation. The classification of proceedings established in this code may only be invoked for the benefit of the investigation and never to the detriment of the exercise of the defence.

Article 324. DURATION. The Public Prosecutor's Office shall complete the investigation with the utmost diligence within six months of the commencement of the proceedings and shall bring charges on the date set by the judge.

Article 325. ORDINARY EXTENSION. If the maximum period for the preparatory stage has not elapsed and the Public Prosecutor's Office needs an extension to

bring charges, it may request it, on a one-time basis, from the judge, who shall decide after hearing the accused.

Article 326. EXTRAORDINARY EXTENSION. In exceptionally complex cases, the Public Prosecutor's Office may request the court of appeals to set a longer period for the preparatory stage, indicating the reasons for the extension and the reasonable time frame for its completion.
The extraordinary extension may be requested, on a one-time basis, at any stage of the preparatory phase, up to fifteen days before the date set for the indictment.
The court of appeals shall directly set the new deadline for the preparatory stage and the new date for indictment.
To this end, it shall take into consideration:
1) whether the offence is complex to investigate due to the multiplicity of related facts or the large number of defendants or victims; and
2) that the investigations require the completion of proceedings abroad or the production of evidence that is difficult to obtain.
The extraordinary extension shall not mean an extension of the maximum duration of the proceedings provided for in this code.

CHAPTER V
INCIDENTS AND EXCEPTIONS

Article 327. PRELIMINARY RULING. A preliminary ruling shall be made when it is necessary to determine, through extra-criminal proceedings, the existence of one of the constituent elements of the punishable act.
The preliminary ruling may be raised by either party before the judge, in writing with supporting arguments, and orally at the trial.
The judge shall process the preliminary ruling as an incidental proceeding, and if he accepts its existence, he shall suspend the criminal proceedings until a final decision is reached in the other proceeding, without prejudice to the performance of investigative acts that cannot be delayed.
If the accused is in custody, their release shall be ordered.
If the judge rejects the preliminary ruling, he shall order the proceedings to continue.

Article 328. WAIVER OF IMMUNITY. When obstacles based on privileges or immunities established in the National Constitution oppose the proceedings, the following procedures shall be followed, as appropriate:
a) When a complaint or private lawsuit is filed against a legislator, a summary investigation shall be conducted that does not violate the legislator's immunity and that is intended to carry out investigative acts on matters whose loss is to be feared or cannot be reproduced at a later date, and those that are indispensable for establishing the communication referred to in the following paragraph.

If there are grounds for bringing a case and ordering its submission or prosecution, without ordering his arrest, the criminal judge shall communicate this, accompanied by a full copy of the proceedings, to the respective Chamber, so that it may decide whether or not there are grounds for removing his immunity in order to bring him to trial.
If the legislator has been arrested for having been caught in flagrante delicto deserving corporal punishment, the intervening authority shall place him in custody at his residence, immediately report the fact to the respective Chamber and to the competent criminal judge, to whom he shall forward the background information as soon as possible. The criminal judge shall then proceed in the manner set forth in the two preceding paragraphs and may order the release of the legislator if it complies with the provisions of this code or when so ordered by the respective Chamber.
b) When a complaint or private lawsuit is filed against an official who enjoys immunity, the criminal judge shall proceed in a manner similar to that established in the first two paragraphs of the previous section, but, as appropriate, the communication shall be addressed to the Chamber of Deputies, the Jury for the Prosecution of Magistrates, or the relevant bodies.
c) When proceedings are brought against several defendants and only some of them enjoy constitutional immunity, the proceedings may be initiated and continued with respect to the others.
d) In all other respects, proceedings shall be conducted in accordance with the National Constitution and the laws.

Article 329. EXCEPTIONS. The parties may oppose the progress of the proceedings before the judge by raising the following exceptions:
1) lack of jurisdiction or incompetence;
2) lack of action, because it is inadmissible, or because it was not legally initiated, or because there is a legal impediment to continuing it; and,
3) extinction of the criminal action.
If two or more exceptions occur, they must be filed jointly.
The judge may decide on the above issues ex officio, except when, due to their nature, a request from the party entitled to bring them is required.
Objections not raised during the preparatory stage may be raised at a later date.
The rejection of the exception shall prevent it from being raised again on the same grounds.

Article 330. PROCEDURE. The filing of a preliminary ruling or an objection shall be processed as an incidental proceeding, without interrupting the investigation.
In the brief in which the interested party raises an incidental proceeding, they shall offer evidence and attach the documentation in their possession.
The judge shall give the other parties three days to respond and offer evidence.

If the question is purely one of law or no one has offered evidence, the judge shall decide within the following three days.
If evidence has been offered, the judge shall convene a hearing within five days, after which he shall rule immediately.
The parties raising the incidental proceedings shall be responsible for providing the evidence at the hearing.

Article 331. UNNAMED INTERLOCUTORY MOTIONS. The judge may process, as an interlocutory matter, the requests or arguments of the parties which, due to their nature or importance, must be debated or require the production of evidence.

Article 332. LACK OF JURISDICTION. Either party may raise an objection of lack of jurisdiction before the judge who is considered to have jurisdiction, as well as before the judge who lacks jurisdiction and is hearing the case.

Article 333. PROMOTION BY A JUDGE. A judge who claims that another judge lacks jurisdiction or considers that judge to have jurisdiction shall request in writing that the other judge admit or reject jurisdiction.

Article 334. PROCEDURE. The requested judge shall, within three days, accept or reject the request, giving reasons.

Article 335. CONFLICT OF JURISDICTION. If two judges simultaneously and contradictorily declare themselves competent or incompetent, the conflict shall be resolved by the Supreme Court of Justice, in accordance with the rules of jurisdiction.

Article 336. RESOLUTION. Upon receipt of the proceedings, the Supreme Court of Justice shall resolve the conflict within three days.
If the production of evidence is required, a hearing shall be convened within five days.
The registrar shall order what is necessary for the production of evidence.

Article 337. RETURN. Once the conflict of jurisdiction has been resolved, the proceedings shall be returned immediately to the competent judge or court.

Article 338. VALIDITY OF ACTS. When resolving the conflict, the acts of the incompetent judge that remain valid shall be determined, without prejudice to the ratification or extension of such acts by the competent judge.

Article 339. EFFECTS OF INCIDENTS AND EXCEPTIONS. The question of lack of jurisdiction shall be resolved before any other. If lis pendens is recognised, the sole competent judge shall be decided.
If the lack of action is declared, the proceedings shall be dismissed, unless the prosecution can continue through another of the parties involved, in which case the decision shall only relieve the party affected from the proceedings.

In cases of extinction of criminal proceedings, this shall be declared.
Insufficient power and formal defects in an application to become a party may be remedied within five days.

Article 340. APPEALABILITY. Judicial decisions on preliminary rulings, the admissibility of requests for removal of immunity, exceptions or incidental matters shall be appealable.

Article 341. DISQUALIFICATION. A judge who is subject to any of the grounds for disqualification provided for in this code shall immediately disqualify himself or herself, withdrawing from the hearing or decision of the proceedings.

Article 342. CHALLENGE. The parties may challenge a judge on any of the grounds indicated.

Article 343. FORM AND TIME. The challenge shall be filed in writing, at any stage of the proceedings, indicating the grounds on which it is based and the relevant evidence. The filing of manifestly unfounded or repetitive challenges for the purpose of hindering the progress of the proceedings shall be considered serious professional misconduct.

Article 344. COMPETENT COURT. Once the recusal has been granted or the challenge has been filed, the judge or immediately superior court shall take cognisance of the incident. In the case of a full court, the immediately superior court shall hear the case. When only one of the judges of a court is affected, the remaining members shall hear the case, provided that they can constitute a majority.

Article 345. PROCEDURE AND RESOLUTION. Once the challenge has been brought, a report shall be requested from the challenged judge, who shall respond within twenty-four hours. If the challenged judge concedes, he or she shall be declared disqualified from hearing the case; if he or she objects on legal grounds, a decision shall be made within three days; if the objection is based on justifiable facts, a hearing shall be convened within three days and a decision shall be made immediately thereafter.
When the challenge is admitted, the judge shall be replaced in accordance with the provisions of the Judicial Organisation Code. Otherwise, the original judge shall continue, and may no longer be challenged on the same grounds.

Article 346. EFFECTS ON THE PROCEEDINGS. The recusal or challenge shall not suspend the proceedings, but once filed, they shall be resolved before the judge concerned makes any decision. Likewise, the judge concerned may not take any action, except those that cannot be delayed and, depending on the circumstances, cannot be performed by the replacement.

The decision to accept the recusal or challenge shall be immediately notified to the new judge and to the parties, and shall be final.

CHAPTER VI
CONCLUSION OF THE PREPARATORY STAGE

Article 347. INDICTMENT AND REQUEST FOR TRIAL. When the Public Prosecutor's Office considers that the investigation provides serious grounds for the public prosecution of the accused, on the date set by the judge, it shall present the indictment, requesting the opening of the trial.

The indictment shall contain:
1) information serving to identify the accused and their address for service;
2) a precise and detailed account of the punishable act attributed to the accused;
3) the grounds for the indictment, with an expression of the elements of conviction that motivate it;
4) a precise statement of the applicable legal provisions; and
5) the evidence to be presented at trial.
Along with the indictment, the Public Prosecutor's Office shall submit to the judge the proceedings and evidence in its possession and shall make the investigation file available to the parties.

Article 348. JOINT PLAINTIFF. The plaintiff or anyone who intends to be a plaintiff at this time must file their indictment within the same time limit set for the prosecution's indictment, complying with the requirements established for it.

Article 349. INDEPENDENT PLAINTIFF. In crimes subject to private prosecution, the plaintiff shall have complete autonomy to specify the facts of the private indictment, its legal classification, and to offer evidence.

Article 350. PRELIMINARY INVESTIGATION. Under no circumstances may the Public Prosecutor's Office bring charges without first giving the accused sufficient opportunity to make a preliminary statement, in the manner provided for in this code.
In cases involving offences that do not carry a custodial sentence, it shall be sufficient to give the accused the opportunity to make a written statement, without prejudice to their right to make statements as many times as they wish.

Article 351. OTHER CONCLUSIVE ACTS. The Public Prosecutor's Office may request:
1) the definitive dismissal of the case when it considers that the evidence is manifestly insufficient to support the charges; and
2) provisional dismissal when it considers that there is a likelihood of new evidence being introduced.
It may also request the conditional suspension of the proceedings, the application

of criteria of opportunity, summary proceedings and the promotion of conciliation. The proceedings, evidence and other material evidence in its possession shall be forwarded to the judge with the request, and the Public Prosecutor's Office shall make the investigation file available to the parties.

TITLE II
INTERMEDIATE STAGE

Article 352. PRELIMINARY HEARING. Once the indictment or other requests from the Public Prosecutor's Office and the complainant have been filed, the judge shall notify the parties and make the proceedings and evidence gathered during the investigation available to them so that they may examine them within a common period of five days.
In the same ruling, the judge shall summon the parties to an oral and public hearing, which shall be held within a period of not less than ten days and not more than twenty days.

Article 353. POWERS AND DUTIES OF THE PARTIES. Within the period provided for in the previous article, the parties may state the following in writing:
1) point out formal defects or non-compliance with formal aspects of the indictment;
2) object to the request for dismissal on the basis of formal or substantive defects;
3) raise the exceptions provided for in this Code, when they have not been raised previously or are based on new facts;
4) request definitive or provisional dismissal;
5) propose the application of a criterion of opportunity. The accused may only propose this when he or she alleges that it has been applied to cases similar to his or her own and provided that he or she can prove this circumstance;
6) request the conditional suspension of the proceedings;
7) request the imposition or revocation of a precautionary measure;
8) request the judicial advance of evidence;
9) propose the application of summary proceedings in accordance with the provisions of Book Two;
10) propose conciliation;
11) raise any other incidental issue that allows for better preparation of the trial; and,
12) the defendant and his or her defence counsel shall propose the evidence to be produced at trial.
Within the same period, the parties must offer the evidence necessary to resolve the issues specific to the preliminary hearing. The judge shall take special care to ensure that the preliminary hearing does not attempt to resolve issues that are specific to the oral and public trial.

The clerk shall make all necessary arrangements for the organisation and conduct of the hearing and the production of evidence.

Article 354. CONDUCT. On the appointed day, the hearing shall be held, the evidence shall be presented, and sufficient time shall be given for each party to substantiate its claims.
The judge shall attempt to reconcile all parties by proposing full reparation for the social or private damage caused.
Minutes shall be taken of the preliminary hearing.

Article 355. STATEMENT BY THE ACCUSED. During the preliminary hearing, the accused may request that their statement be taken, which shall be done in accordance with the formalities provided for in this code.

Article 356. DECISION. Immediately after the hearing, the judge shall decide on all the issues raised and, where appropriate:
1) admit, in whole or in part, the charges brought by the Public Prosecutor's Office and the complainant, and order the opening of the trial;
2) order the correction of any formal defects in the charges brought by the Public Prosecutor's Office and the complainant;
3) rule on the objections raised;
4) dismiss the case definitively or provisionally, as appropriate;
5) conditionally suspend the proceedings or apply criteria of opportunity, resolving as appropriate;
6) ratify, revoke, replace, or impose precautionary measures;
7) order the judicial advance of evidence, in accordance with the provisions of this code;
8) shall rule in accordance with the summary procedure;
9) approve the agreements reached by the parties with regard to civil reparation ( ) and order everything necessary to execute the agreement;
10) admit or reject the evidence offered for trial. It may order ex officio evidence only when there is manifest negligence on the part of one of the parties and its source lies in the proceedings already conducted; and,
11) order the separation or joinder of proceedings.
The public reading of the decision shall serve as sufficient and proper notification.

Article 357. INDICTMENT. The order to open the trial may be issued on the basis of the indictment by the Public Prosecutor's Office.

Article 358. LACK OF INDICTMENT. When the Public Prosecutor's Office has not brought charges and the judge considers the opening of the trial admissible, he shall order that the proceedings be referred to the Attorney General so that he may bring charges or ratify the decision of the lower prosecutor. In the latter case, the judge shall decide in accordance with the request of the Public Prosecutor's

Office.
Under no circumstances may the judge issue an order to commence proceedings if there is no indictment.

Article 359. DEFINITIVE DISMISSAL. Definitive dismissal shall apply:
1) when it is evident that the act did not occur, that it does not constitute a punishable offence, or that the accused did not participate in it;
2) when, despite the lack of certainty, there is no reasonable possibility of incorporating new evidence and it is impossible to request the opening of a trial on reasonable grounds.
3) due to the extinction of criminal proceedings.

Article 360. FORM AND CONTENT. The final dismissal order shall contain:
1) the personal details of the accused;
2) a description of the act attributed to them;
3) the grounds; and
4) the operative part, citing the applicable legal provisions.

Article 361. VALUE AND EFFECTS. The final dismissal shall irrevocably close the proceedings in relation to the accused in whose favour it is issued, shall preclude any new criminal prosecution for the same offence, and shall terminate all precautionary measures.
Even if the decision is not final, the judge shall provisionally order the release of the accused or terminate any alternative measures that have been imposed.
The final dismissal shall contain a statement that the proceedings do not affect the good name and honour of the accused and, once the decision has become final, any public or private record of the offence in relation to the dismissed case shall be cancelled.

Article 362. PROVISIONAL DISMISSAL. If definitive dismissal is not appropriate and the evidence is insufficient to proceed to trial, provisional dismissal shall be ordered by means of a reasoned decision that specifically mentions the specific evidence that is expected to be incorporated. All precautionary measures imposed on the accused shall be terminated.
If new evidence allows the proceedings to continue, the judge, at the request of either party, shall allow the investigation to proceed.
In the case of offences, if within one year of the provisional dismissal being issued, no request is made to reopen the case, the judge shall declare, ex officio, the extinction of the criminal action; this period shall be extended to three years in the case of crimes.

Article 363. ORDER TO COMMENCE TRIAL. The decision by which the judge decides to admit the charges brought by the Public Prosecutor's Office and the complainant, where applicable, and to open the proceedings to a public oral trial,

shall contain:
1) the admission of the indictment, with a precise description of the act that is the subject of the trial and of the defendants;
2) the modifications introduced in admitting the indictment, with a detailed indication of the factual circumstances extracted or added;
3) when the indictment has been filed for several acts and the judge only admits it partially, he shall determine precisely the acts for which he opens the trial and the resolution of what corresponds with respect to the other acts;
4) the modifications in the legal classification of the punishable act, when it differs from the indictment;
5) the final identification of the parties admitted;
6) the admissibility or rejection of precautionary measures or their replacement, ordering, where appropriate, the release of the accused.
7) the summons to all parties to appear before the trial court within a common period of five days, to present themselves and establish their legal address; and,
8) the order to refer the proceedings to the competent trial court.

Article 364. REFERRAL OF THE PROCEEDINGS. Once the corresponding notifications have been made, the clerk shall, within forty-eight hours, refer the proceedings, documentation and seized objects to the trial court.
The clerk shall also forward a report on the detainees in that case, placing them at its disposal and notifying the authorities of the institutions where they are being held.

TITLE III
ORAL AND PUBLIC TRIAL
CHAPTER I
GENERAL RULES

Article 365. PREPARATION OF THE TRIAL. The presiding judge of the trial court shall, within forty-eight hours of receiving the proceedings, set the date and time of the trial, which shall not take place before ten days or after one month.
Exceptions based on new facts and challenges may be filed within five days of notification of the summons and shall be decided by a single member of the court. The trial may not be postponed for the processing or resolution of these incidents for a period longer than that established in this article.
The court clerk shall immediately notify the parties, summon the witnesses and experts, request the objects and documents, and take any other measures necessary for the organisation and conduct of the public trial.

Article 366. IMMEDIACY. The trial shall be conducted in the uninterrupted presence of the judges and all parties.
The defendant may not leave the hearing without the court's permission. If, after

giving his statement, he refuses to remain, he shall be held in a nearby room and may be represented by his defence counsel for all purposes; only if the charges are expanded shall the presiding judge summon him to appear for the purposes of the corresponding summons.
If his presence is necessary to perform any act or examination, he may be compelled to appear at the hearing by the police.
If the defence counsel does not appear at the hearing or is absent from it, the defence shall be considered abandoned and shall be replaced.
If the complainant does not attend the hearing, either in person or through a representative, or is absent from it, the complaint shall be deemed abandoned, without prejudice to the possibility of being compelled to appear as a witness.

Article 367. DEFENDANT. LIMITATIONS ON THEIR FREEDOM DURING THE HEARING. The defendant shall attend the hearing freely in person, but the presiding judge may order the necessary surveillance and precautions to prevent their escape or acts of violence.
If the accused is at liberty, the court may order, in order to ensure the hearing or a particular part thereof, that he be brought by police force and even detained, in which case it shall determine the place where this is to be done; it may even vary the conditions under which he enjoys liberty or impose some of the other precautionary measures provided for in this code.

Article 368. PUBLICITY. The trial shall be public. However, the court may decide, even ex officio, that it be held wholly or partly in private, only wh :
1) the modesty, privacy, or physical integrity of any of the parties, any person summoned to participate, or the judges is directly affected;
2) an official, private, commercial, or industrial secret is endangered; and,
3) a minor is examined, if the court considers publicity to be inappropriate.
The decision shall be substantiated and recorded in the minutes of the hearing.
Once the case has been closed, the public shall be readmitted and the presiding judge shall briefly recount what has taken place.
The court may impose on the parties involved in the proceedings the duty to maintain secrecy regarding the facts they witnessed or learned, recording the decision in the minutes.

Article 369. PROHIBITIONS ON ACCESS. Children under the age of twelve may not enter the courtroom, except when accompanied by an adult who is responsible for their conduct, or any person who appears in a manner incompatible with the seriousness of the hearing and those wearing union or party insignia.
Members of the Armed Forces or the National Police in uniform may not enter either, except when the National Police is performing surveillance duties.

Article 370. ORAL PROCEEDINGS. The hearing shall be oral; the defendant and other persons participating in it shall testify in this manner.
Those who are unable to speak or cannot do so intelligibly in the official languages shall formulate their questions or answers in writing or through interpreters, with the questions or answers being read or translated.
The court's decisions during the hearing shall be delivered orally, with all parties being notified of the ruling and a record being made in the minutes.

Article 371. EXCEPTIONS TO ORAL PROCEEDINGS. Only the following may be incorporated into the trial by reading or other means:
1) testimony or expert opinions that have been received in accordance with the rules of preliminary evidence, without prejudice to the parties or the court requiring the personal appearance of the witness or expert, when possible;
2) statements or opinions produced by commission or report, when the act has been produced in writing, in accordance with the provisions of the law and provided that the appearance of the expert or witness is not possible; and,
3) the complaint, the report, the documentary or report evidence, and the records of recognition, search or inspection carried out in accordance with the provisions of this code.
Any other evidence that is intended to be introduced into the trial by reading it aloud shall have no value, and its illegal inclusion shall result in the absolute nullity of the entire trial.

Article 372. DISCIPLINARY POWER. The presiding judge shall exercise disciplinary power over the hearing.
Those attending the hearing shall remain respectful and silent unless authorised to speak or respond to questions put to them.
They may not carry weapons or other objects that could cause discomfort or offence, nor may they behave in an intimidating or provocative manner, cause disturbances, or express their opinions or feelings in any way.

Article 373. CONTINUITY AND CASES OF SUSPENSION. The hearing shall be held without interruption, during all consecutive sessions necessary until its conclusion; however, it may be suspended for a maximum period of ten days, calculated continuously, only once, in the following cases:
1) when an incidental issue must be resolved that, due to its nature, cannot be decided immediately;
2) when it is necessary to perform an act outside the place of the hearing and it cannot be performed in the interval between one session and another;
3) when witnesses, experts or interpreters whose participation is indispensable fail to appear, unless it is possible to continue with the reception of other evidence until the absent person is brought in by the police;

4) if any judge, prosecutor or defence counsel falls ill to the extent that they are unable to continue their participation in the trial, unless the latter two can be replaced immediately without affecting the interests of the parties, or the court has been constituted since the beginning of the hearing with a greater number of judges than required for its composition, so that the substitutes can join the court and allow the hearing to continue;
5) when it is verified, with a forensic medical opinion, that the defendant is in the situation described in the previous paragraph. In this case, the separation of trials may be ordered and the proceedings may continue with the other defendants;
6) if any unexpected revelation or retraction causes substantial alterations in the case, making extraordinary evidence indispensable; and,
7) when the prosecutor or the complainant requests it in order to expand the indictment, or the defendant or his defence counsel requests it after the indictment has been expanded, provided that, due to the characteristics of the case, it cannot be continued immediately.
The presiding judge shall order daily recesses, indicating the time at which the hearing will continue. Trials shall be held in the morning and afternoon, with the aim of concluding them on the same day.

Article 374. EFFECTS OF THE SUSPENSION. The court shall decide on the suspension and announce the date and time of the new hearing, which shall serve as a summons for all those appearing.
The trial shall continue after the last act performed when the suspension was ordered. Before beginning the new hearing, the presiding judge shall briefly summarise the acts performed previously.
The judges and prosecutors may participate in other trials during the period of suspension, unless the court decides otherwise, by reasoned decision, due to the complexity of the case.
If the hearing does not resume no later than the eleventh day after the suspension, the trial shall be considered interrupted and shall be conducted again from the beginning.
The defendant's failure to appear or incapacity shall interrupt the trial, unless resolved within the suspension period.

Article 375. IMPOSSIBILITY OF ATTENDANCE. Persons who are unable to attend the hearing due to a justified impediment shall be examined at their place of residence by one of the judges of the court or by another judge appointed by the court, as appropriate, ensuring the participation of the parties when so requested. A record of this statement shall be drawn up to be read at the hearing.

Article 376. CONDUCT OF THE HEARING. The president shall conduct the hearing, order the necessary readings, issue legal warnings, receive oaths and

statements, and moderate the discussion, preventing impertinent interventions or those that do not lead to the clarification of the truth, without thereby restricting the exercise of the prosecution and the scope of the defence.
The court as a whole shall decide when a decision of the presiding judge is challenged.

Article 377. DIVISION OF THE TRIAL. The presiding judge may, when it is appropriate to properly individualise the penalty or to facilitate the defence of the accused, divide the trial into two parts. The first part shall deal with everything related to the existence of the act and the culpability of the accused, and the second part shall deal with the individualisation of the applicable penalty.
If the penalty that may be applied as a result of the trial may exceed ten years or the application of the measures provided for in Article 72, paragraphs 3 and 4, number 1 of the Criminal Code, the division shall be mandatory if requested by the accused.
The request and the decision shall be made within the time limit provided for challenges, and all parties shall be given five days to offer new evidence for the individualisation of the penalty.
The court may also informally divide the presentation of evidence in the trial and the debate, in accordance with the above rules, allowing for a differentiated discussion of both issues ( ), but issuing a single decision, as provided for in the sentence.

Article 378. DEVELOPMENT. At the end of the first part of the trial, the court shall rule on the existence of the act and the culpability of the accused, in accordance with the common rules, and if the decision allows for the imposition of a penalty, it shall set a date and time for the continuation of the trial on the penalty.

Article 379. TRIAL ON THE PENALTY. The trial on the penalty shall begin with the reception of the evidence offered to individualise it, proceeding thereafter in accordance with the common rules.
At the end of the proceedings, the court shall issue its decision on the penalty and shall draw up the complete sentence in accordance with the rules laid down for such decisions. The time limit for appealing against the sentence shall begin at this point.

Article 380. CULTURAL DIVERSITY. When the trial of the case or the individualisation of the sentence requires special treatment, because the acts were committed within a social group with particular cultural norms or because the personality or life of the accused makes it necessary to know their cultural norms of reference in greater detail, the court shall order a special expert opinion or divide the trial in accordance with the provisions of the preceding articles, in order to allow for a better defence and facilitate the assessment of the evidence.

Article 381. PUNISHABLE ACTS DURING THE HEARING. If a punishable act of public action is committed during the hearing, the court shall draw up a report and forward the copies and background information necessary for the exercise of criminal action to the Public Prosecutor's Office.
If a witness, expert witness or interpreter commits perjury, the rules set forth in the preceding paragraph shall apply.

CHAPTER II
CONDUCT OF THE TRIAL

Article 382. OPENING. On the appointed day and time, the court shall convene in the courtroom. The presiding judge, after verifying the presence of the parties, witnesses, experts or interpreters, shall declare the trial open, warning the defendant of the importance and significance of what is about to take place and instructing him to pay attention to what he is about to hear.

If there are any incidental issues raised by the parties, they shall be dealt with in a single proceeding, unless the court decides to do so successively or to defer some of them until the time of the judgment, as appropriate to the order of the trial. In the discussion of these issues, the parties may speak only once, for the time established by the presiding judge.
Once the incidental matters have been resolved or their rulings deferred, the presiding judge or the deputy presiding judge shall immediately order the reading of the order to commence the trial and shall allow the prosecutor and the complainant to explain the charges.

Article 383. STATEMENT BY THE DEFENDANT AND PRESENTATION OF THE DEFENCE. Once the subject matter of the trial has been defined, the presiding judge shall order the defence counsel to explain his defence, whenever he deems it appropriate.
He shall immediately take the statement of the accused, explaining to him in clear and simple terms the charges against him, with the warning that he may refrain from making a statement and that the trial will continue even if he does not make a statement.
The defendant may say whatever he or she deems appropriate and will then be questioned by the prosecutor, the plaintiff, the defence counsel and the members of the court in that order.
If the accused refrains from making a statement, either in whole or in part, or contradicts previous statements, the presiding judge may order that those statements be read, provided that they comply with the rules set forth in this code. In the event of contradictions, the defendant's statement at trial shall be deemed valid, unless he or she provides no reasonable explanation for the existence of such contradictions.

During the course of the trial, the parties and the court may ask the defendant questions aimed at clarifying their statements.

Article 384. STATEMENTS BY SEVERAL DEFENDANTS. If there are several defendants, the presiding judge may remove from the courtroom those who are not testifying at that moment, but after all statements have been received, he or she shall report in summary form on what occurred during their absence.

Article 385. RIGHTS OF THE DEFENDANT. During the hearing, the defendant may make any statements they deem appropriate, provided that they relate to their defence.
The accused may speak with their defence counsel at any time, without the hearing being suspended; for this purpose, they shall be seated next to their counsel.

Article 386. EXPANSION OF THE CHARGES. During the trial, the prosecutor or the complainant may expand the charges by including a new fact or circumstance that was not mentioned in the indictment or in the order to open the trial, which modifies the legal classification or penalty for the same act or forms part of a continuing punishable act.
The correction of simple clerical errors or the inclusion of any circumstance that does not essentially modify the charge or cause defencelessness may be made during the hearing, without being considered an extension.
In such a case, with regard to the new facts or circumstances attributed in the extension, a new statement shall be taken from the accused and all the parties shall be informed that they shall have the right to request the suspension of the trial in order to offer new evidence or prepare the defence.
The facts or circumstances covered by the extension shall be included in the indictment.

Article 387. RECEIPT OF EVIDENCE. After the defendant's statement, the presiding judge shall receive the evidence in the order indicated in the following articles, unless he or she considers it necessary to alter it.

Article 388. EXPERT OPINION. The presiding judge shall order the reading of the expert opinions. If the experts have been summoned, they shall answer the questions put to them by the parties, the technical consultants and the members of the court, in that order and beginning with those who offered the evidence.
If possible, the court shall order that the expert operations be carried out at the hearing.
The expert witness shall have the right to consult documents, written notes, and publications during their testimony.

Article 389. WITNESSES. Next, the presiding judge shall call the witnesses, beginning with those offered by the Public Prosecutor's Office, continuing with those proposed by the complainant, and concluding with those of the defendant. Before testifying, witnesses shall not communicate with each other or with other persons, nor shall they see, hear, or be informed of what is happening in the courtroom. After doing so, the presiding judge may order that they remain incommunicado in the anteroom, that they attend the hearing, or that they withdraw.
However, failure to comply with the isolation requirement shall not prevent the witness from testifying, but the court shall take this circumstance into account when evaluating the evidence.

Article 390. INTERROGATION. After questioning the expert witness or witness about their personal identity and the general circumstances in order to assess their testimony, the presiding judge shall give them the floor to report everything they know about the fact proposed as the subject of the evidence.
At the end of the account, or if the witness is unable, unwilling or finds it difficult to do so, the presiding judge shall allow direct questioning, beginning with the person who proposed it and continuing with the other parties, in the order deemed appropriate. Finally, the presiding judge and the members of the court may question the expert witness or witness.
The presiding judge shall moderate the examination and prevent the witness from answering leading, suggestive or impertinent questions, ensuring that the examination is conducted without undue pressure and without offending the dignity of the witness. The parties may request the reversal of the presiding judge's decisions limiting the examination or object to the questions asked.
Experts and witnesses shall state the reason for their information and the source of the news, designating as precisely as possible the third parties who communicated it to them.

Article 391. INTERROGATION OF MINORS. The interrogation of a minor shall be conducted by the presiding judge, when deemed necessary, based on the questions submitted by the parties. The presiding judge may seek the assistance of a relative of the minor or an expert in psychology or another behavioural science.
If, after hearing the parties, the presiding judge considers that the questioning of the minor does not prejudice their composure, they shall order that their statement proceed in accordance with the formalities provided for in this code. This decision may be revoked during the course of the questioning.

Article 392. FAILURE TO APPEAR. When the expert or witness duly summoned has failed to appear, the presiding judge shall order that they be brought in by the

police and shall request the person who proposed them to cooperate with the proceedings.
The trial may be suspended for this reason only once, in accordance with the provisions for suspensions, and if the witness does not appear at the second summons or cannot be located for escort by the police, the trial shall continue without that evidence.

Article 393. OTHER MEANS OF EVIDENCE. Documents shall be read and exhibited at the hearing, with an indication of their origin.
Seized objects and other items of evidence shall be displayed for identification by witnesses, experts or the defendant. Recordings and audiovisual evidence shall be reproduced in the usual manner.
The parties and the court may unanimously agree to the partial reading, display or reproduction of such evidence.
Confrontations or reconstructions may be carried out, or a judicial inspection may be ordered.

Article 394. EVIDENCE FOR BETTER PROVISION. Exceptionally, the court may order the admission of any evidence if, in the course of the hearing, new facts or circumstances arise that require clarification, taking care not to replace the parties' own actions by this means.

Article 395. FINAL ARGUMENT AND CLOSING OF THE DEBATE. Once the evidence has been received, the presiding judge shall give the floor successively to the prosecutor, the complainant and the defence counsel, in that order, to present their closing arguments.
No briefs may be read, without prejudice to the partial reading of notes to aid memory.
If two or more prosecutors, plaintiffs, or defence lawyers are involved, all may speak, dividing their tasks among themselves to avoid repetition or delay.
All parties may reply, and finally the defendant shall be heard.
The reply shall be limited to refuting the opposing arguments that have not be ly discussed before.
The presiding judge shall prevent any digression, repetition or interruption. In the event of manifest abuse of the floor, he shall call the speaker to order, and if the latter persists, he may prudently limit the time for the argument, taking into account the nature of the facts under examination, the evidence received and the issues to be resolved.
At the end of the argument, the speaker shall express his conclusions in a specific manner. The prosecutor and the complainant shall request the penalty they deem appropriate when seeking a conviction.
If the victim is present and wishes to speak, they shall be given the floor, even if

they have not participated in the proceedings.
Finally, the presiding judge shall ask the defendant if they have anything further to say. Immediately afterwards, the judge shall declare the hearing closed.

CHAPTER III
DELIBERATION AND SENTENCE

Article 396. DELIBERATION. Once the debate has been closed, the judges shall immediately and without interruption proceed to deliberate in a closed session, which may only be attended by the clerk. The deliberation may not be suspended except in the event of serious illness of one of the judges.
In this case, the suspension may not last more than three days, after which the judge must be replaced and the trial held again.

Article 397. RULES FOR DELIBERATION AND VOTING. The court shall assess the evidence produced during the trial in a comprehensive manner and according to its sound judgement.
All judges shall deliberate and vote on all matters, in the following order, as far as possible:
1) those relating to its jurisdiction, the admissibility of the criminal action, and any other incidental issue that has been deferred to this point;
2) those relating to the existence of the punishable act and punishability; and
3) the individualisation of the applicable penalty.
Decisions shall be taken by majority vote. Judges shall give separate reasons for their votes or shall do so jointly when they are in agreement.

Article 398. REQUIREMENTS OF THE JUDGMENT. The judgment shall be pronounced in the name of the Republic of Paraguay and shall contain:
1) the name of the court, the place and date on which it was handed down, the personal details of the judges and the parties, the personal details of the defendant, and a statement of the offence that was the subject of the trial;
2) the judges' votes on each of the issues raised in the deliberation, with a statement of the factual and legal grounds on which the judges base their votes;
3) a precise and detailed determination of the facts that the court considers to be proven;
4) the operative part, mentioning the applicable rules and costs; and
5) the judges' signatures.

Article 399. DRAFTING AND READING. The judgment shall be drafted and signed immediately after deliberation.
The court shall then reconvene in the courtroom, after all parties have been summoned verbally, and the document shall be read aloud by the clerk before those present. Its content shall then be explained in the Guaraní language, in accordance with the provisions of this code.

Exceptionally, when the complexity of the matter or the late hour makes it necessary to defer the drafting of the entire judgment, only the operative part shall be drafted, signed and read at that time, and one of the judges shall summarise for the public the grounds for the decision; The judge shall also announce the date and time of the hearing for the reading of the full judgment, which shall take place within a maximum of five days after the pronouncement of the operative part.
The judgment shall be notified with the full reading and the parties shall receive a copy thereof.

Article 400. JUDGMENT AND INDICTMENT. The judgment may not take into account facts or circumstances other than those described in the indictment and admitted in the order to proceed to trial or, where applicable, in the extension of the indictment, except when they favour the defendant.
In the judgment, the court may give the fact a legal classification different from that of the indictment or the order to open the trial, or apply more severe or different penalties than those requested.
However, the defendant may not be convicted under a criminal classification other than that invoked in the indictment, its extension or in the order to commence trial and which was not taken into account at any time during the trial. If the court observes the possibility of a legal classification that has not been considered by any of the parties, it shall advise the defendant of this possibility so that they may prepare their defence.

Article 401. ACQUITTAL. The acquittal shall order the release of the accused, the cessation of all precautionary measures, the restitution of the objects affected by the proceedings that are not subject to confiscation, the necessary registrations, and shall set the costs.
The accused shall be released even if the acquittal is not final and shall be released directly from the courtroom.

Article 402. CONVICTION. The conviction shall specify the corresponding penalties and, where appropriate, shall determine the conditional suspension of the sentence and the obligations to be fulfilled by the convicted person.
The date on which the sentence ends shall be precisely determined, as appropriate.
The period within which the fine must be paid shall also be established, and sentences or penalties shall be combined where possible.
The sentence shall also decide on costs and on the return of seized objects to the person whom the court considers to have the best right to possess them, without prejudice to any claims that may be brought before the civil courts. It shall decide on the confiscation and destruction provided for by law and shall forward a copy of

the sentence to the public entity where the convicted person works and to the Superior Court of Electoral Justice.

Article 403. DEFECTS IN THE JUDGMENT. The defects in the judgment that allow for appeal and cassation shall be as follows:
1) that the defendant is not sufficiently identified;
2) that the statement of the facts subject to trial and the detailed determination of those that the court considered proven are lacking;
3) that it is based on evidence or elements that were not legally incorporated into the trial or were incorporated by reading them in violation of the provisions of this Title;
4) the reasoning of the majority of the court is lacking, insufficient or contradictory. The reasoning shall be deemed insufficient when forms, dogmatic statements, routine phrases are used, or when the simple account of the facts or any other form of replacing it with insubstantial accounts is used as reasoning. The reasoning shall be deemed contradictory when the rules of sound criticism have not been observed in the ruling with respect to evidence or elements of decisive value;
5) the operative part lacks essential elements;
6) it lacks the date of the act and it is not possible to establish it, or the signature of one of the judges is missing and it cannot be determined whether they participated in the deliberation, except in cases of exception provided for by law;
7) failure to observe the rules governing deliberation and the drafting of the judgment; and
8) failure to observe the rules relating to consistency between the judgment, the indictment and the order to proceed to trial.
Other defects shall be remedied ex officio by the court or at the request of the interested party.

CHAPTER IV
TRIAL RECORD

Article 404. CONTENT. The clerk shall draw up minutes of the hearing, which shall contain:
1) the place and date of the hearing, indicating the start and end times, as well as any suspensions and resumptions;
2) the personal details of the judges, the parties, defence counsel and representatives, with mention of the conclusions they issued in their closing arguments;
3) the personal details of the accused;
4) a brief summary of the proceedings, including the personal details of the witnesses, experts and interpreters and references to the documents read;

5) the requests and decisions made during the trial and the objections of the parties;
6) compliance with essential formalities, noting whether the proceedings were open to the public
publicity or whether it was excluded, in whole or in part;
7) other information required by law that the court orders to be included; information requested by the parties and appeals or protests to appeal;
8) the record of the reading of the final judgment or, where applicable, the operative part of the judgment; and,
9) the signature of the clerk.
In cases involving complex evidence, the court may order a stenographic version or a total or partial recording of the hearing, or a summary of the essential parts thereof at the end of any statement or ruling, in which case the minutes shall record the provision and the manner in which it was complied with.
The stenographic version, recording or summary shall have no probative value for the judgment or for the admission of an appeal, unless they demonstrate non-compliance with a procedural rule that enables an appeal or cassation.
The court may also allow the parties, at their own expense, to record the proceedings for the sole purpose of aiding their memory.

Article 405. READING AND NOTIFICATION OF THE MINUTES. The minutes shall be read immediately after the judgment before those present, whereupon they shall be deemed to have been notified to all; they may be amended after they have been read, when the parties so request and the court deems it appropriate. If the court does not order the amendment of the minutes, the request shall be recorded.
The court may replace the reading of the minutes by ordering the delivery of copies to each of the parties present at the same hearing; the manner in which it was notified shall be recorded at the bottom of the minutes.

Article 406. VALUE OF THE RECORD. The record shall, in principle, demonstrate how the trial was conducted, compliance with the formalities established for it, the persons who participated, and the actions that were carried out.
The absence or insufficiency of the required statements shall not, in itself, constitute grounds for challenging the judgment. However, a missing statement or its falsity may be proven when necessary to demonstrate the defect that invalidates the decision.
In this case, the omission or falsity shall be indicated when filing the appeal or cassation.

BOOK TWO
SPECIAL PROCEDURES

TITLE I
PROCEEDINGS BEFORE THE JUSTICE OF THE PEACE
CHAPTER I
REQUEST BY THE PROSECUTOR BEFORE THE JUSTICE OF THE PEACE

Article 407. OPTIONAL REQUEST. In cases where this code authorises it, once the prosecutor's request has been submitted, the justice of the peace shall summon all parties to a hearing within five days, unless the accused is in custody, in which case the hearing shall be held within forty-eight hours.
If the accused is in custody, the justice of the peace shall take their preliminary statement at the hearing.
If the accused has not been apprehended or is unable to attend due to an insurmountable obstacle, the hearing shall be held in the presence of the defence counsel.

Article 408. PROCEDURE. Where applicable, the rules of oral and public trial shall apply, adapted to the simplicity of the hearing.
Minutes shall be taken, recording only the essential aspects of the proceedings, the arguments of the parties and the judge's decisions, avoiding a full transcription of what took place, so as not to distort the nature of the oral and simple hearing.
The minutes shall be read at the end of the hearing and signed by the parties, who shall be notified by their reading.

Article 409. DECISION. After hearing the parties and, where appropriate, receiving the preliminary statement, the justice of the peace shall decide, on a well-founded basis, on all the issues raised and, as appropriate:
1) order the dismissal requested by the prosecutor;
2) issue a provisional dismissal;
3) declare the public action extinguished or suspend the proceedings, as appropriate, when deciding to apply a criterion of opportunity;
4) conditionally suspend the proceedings;
5) decide in accordance with the summary procedure; and
6) authorise conciliation, when agreed upon by the parties.
At the hearing, the judge, even ex officio, shall seek conciliation on the repair of the damage and, where appropriate, shall declare the criminal action extinguished.

Article 410. OPPOSITION. When the justice of the peace does not accept the prosecutor's request, he shall return the proceedings so that a new request may be filed with the criminal judge within ten days.

Article 411. REVIEW OF SANCTIONS. When, in accordance with special laws, the justice of the peace must decide on an appeal or review of administrative sanctions, he shall apply, by analogy, the rules set forth in this Title.

Article 412. APPEALS. The decisions of the justice of the peace that dismiss the proceedings, declare the action extinguished, suspend the proceedings or provisionally dismiss the case are appealable.

Article 413. REQUIREMENT. When the laws attribute jurisdiction to the justice of the peace for the trial of misdemeanours, the request for trial shall be made in writing and shall contain:
1) the identification of the accused and their address;
2) a summary description of the alleged offence, stating the time and place of its commission;
3) a citation of the legal provisions that have been violated;
4) an indication of the evidence, accompanied by the documents and objects handed over or seized; and
5) the identification and signature of the applicant.
The form containing the above requirements shall suffice as an application.

Article 414. ADMINISTRATIVE REQUIREMENT. The police or officials designated by law may issue the requirement, without prejudice to the power of the Public Prosecutor's Office to request a trial for misdemeanours when permitted by law. The summons shall contain a request to appear before the competent justice of the peace within five days. When the summons is presented by a private individual, the justice of the peace shall request the offender to appear within the same period.
In all cases, a copy of the summons shall be given to the offender.

Article 415. HEARING. When appearing before the judge, the offender shall state whether they admit their guilt or request a trial. In the latter case, they may offer evidence or request the proceedings they deem relevant to their defence.

Article 416. DECISION. If the offender admits guilt and no further proceedings are necessary, the magistrate shall issue the appropriate decision.

Article 417. TRIAL. In the event of a trial, the judge shall immediately summon the accused and, if necessary, the applicant. The judge shall also issue the necessary orders to incorporate the admitted evidence into the trial.
The hearing shall be oral and public and may not be suspended.
The judge shall briefly hear the parties and, after receiving and analysing the evidence, shall acquit or convict by simple decree.
If no evidence is incorporated during the trial, the judge shall decide on the basis of the proven facts and the elements accompanying the initial application.
If the defendant does not appear, the case shall be decided without further proceedings, in accordance with the preceding paragraph.

Article 418. APPEAL. The decision may be appealed within three days, solely by the convicted person.

Article 419. ANALOGY. In all other respects, the rules of ordinary procedure shall apply analogously, adapted to the brief and simple nature of this procedure.
The accused may appoint a defence counsel to assist them, but the rules of public defence shall not apply.
No personal precautionary measures shall be applied.

TITLE II
SUMMARY PROCEEDINGS

Article 420. ADMISSIBILITY. Until the preliminary hearing, summary proceedings may be proposed when:
1) the offence carries a maximum sentence of less than five years, or a non-custodial sentence;
2) the accused admits to the offence attributed to them and consents to the application of this procedure; and,
3) the defence counsel certifies, with his or her signature, that the accused has given his or her consent freely.
The existence of co-defendants does not prevent the application of these rules to any of them.

Article 421. PROCEDURE. The Public Prosecutor's Office, the complainant and the accused, jointly or separately, shall submit a written statement, certifying the applicable legal provisions and their well-founded claims, in addition to the requirements set forth in the previous article.
The judge shall hear the accused and issue the appropriate ruling, after hearing the victim or the complainant.
The judge may acquit or convict, as appropriate.
If convicted, the sentence imposed may not exceed that requested by the prosecutors.
The judgment shall contain the requirements set forth in this Code, albeit in a succinct manner, and shall be subject to appeal.
If the judge does not admit the application of the summary procedure, he or she shall summon the Public Prosecutor's Office to continue the proceedings in accordance with the ordinary procedure.
In this case, the previous request regarding the sentence shall not be binding on the Public Prosecutor's Office during the trial, nor shall the admission of the facts by the accused be considered a confession.

TITLE III
PROCEDURE FOR PRIVATE
PRIVATE CRIMINAL ACTION

Article 422. COMPLAINT. Anyone who intends to bring charges for a privately prosecuted offence must file their private prosecution before the justice of the peace or the sentencing court, either in person or through a special representative, in accordance with the provisions of this code.

Article 423. PRELIMINARY JUDICIAL ASSISTANCE. When it has not been possible to identify or individualise the accused; or to determine their address; or when, in order to describe the offence clearly, precisely and in detail, it is essential to carry out procedures that the complainant cannot perform themselves, they shall request judicial assistance in the accusation, indicating the relevant measures. The judge shall provide the assistance, if appropriate. The accuser shall then complete their indictment within five days of obtaining the missing information.

Article 424. CONCILIATION. Once the complaint has been admitted, a conciliation hearing shall be convened within ten days.
By agreement between the accuser and the accused, they may appoint a conciliator to conduct the hearing.

Article 425. FURTHER PROCEEDINGS. If conciliation is not achieved, the judge shall convene a trial in accordance with the provisions of this code and shall apply the rules of ordinary trial.

Article 426. ABANDONMENT OF THE COMPLAINT. In addition to the cases provided for in this code, the complaint shall be considered abandoned and the proceedings shall be closed when:
1) the complainant or his representative fails to attend the conciliation hearing without just cause; and,
2) when the complainant is deceased or incapacitated, the person authorised by law to continue the proceedings does not attend within thirty days of the death or incapacitation.

TITLE IV
PROCEDURE FOR MINORS

Article 427. SPECIAL RULES. In the investigation and prosecution of punishable acts in which a person between the ages of fourteen and twenty inclusive is identified as the perpetrator or participant, the proceedings shall be conducted in accordance with the Constitution, current international law, and the ordinary rules of this code, and the following rules shall apply in particular.

1) Purpose of the proceedings and investigation. The purpose of the proceedings against the adolescent is to verify the existence of an act or omission considered a misdemeanour or crime under ordinary criminal law, to determine who is the perpetrator or participant, and to order the application of the appropriate measures;

2) Verification of age. The age of the adolescent shall be verified by means of a birth certificate, but in the absence thereof, the juvenile criminal judge shall decide on the basis of an expert opinion issued by an accredited forensic doctor or by two practising doctors. A forensic psychologist shall also be involved in the expert opinion and shall add his or her conclusions to the report. The report shall be prepared and submitted within a period not exceeding seventy-two hours after notification of the decision ordering it;

3) Statement by the adolescent. The adolescent shall be guaranteed an interview with their lawyer prior to the hearing. The adolescent's statement shall be made before the court and shall be received in the presence of the public defender or private lawyer, if they have one, and the competent prosecutor may also be present. No adolescent shall be questioned by the police authorities about their involvement in the events under investigation. Failure to comply with this provision shall render the proceedings null and void;

4) Regime of liberty. The adolescent may only be deprived of his or her liberty preventively when caught in flagrante delicto or by written judicial order.
written court order.
Immediate decision on liberty. When the adolescent is detained for flagrante delicto and brought before the judge, the judge shall immediately decide on his or her liberty or order the application of a provisional measure, if appropriate, without prejudice to the public prosecutor's office continuing the investigation.
Provisional measure. The judge, based on the investigation proceedings and after hearing the adolescent's statement, shall decide whether to apply a provisional measure;

5) Bodies involved. The courts, prosecutors and public defenders involved in this procedure shall be those with the corresponding competence and jurisdiction; and shall be composed in accordance with the rules established in this code for the bodies created;

6) Form of trial. The trial shall be held in camera, unless the accused or his or her legal representative requests that the trial be public.

7) Participation of parents or legitimate interested parties. The parents or those who have had custody or guardianship of the adolescent may attend the trial and participate in the adolescent's defence;

8) Socio-environmental investigation. An investigation of the adolescent shall be mandatory, conducted by an expert who shall report at the trial;

9) Mandatory division. The division of the trial provided for in this code shall be mandatory.

TITLE V
PROCEDURE FOR THE APPLICATION OF IMPROVEMENT MEASURES

Article 428. ADMISSIBILITY. When the Public Prosecutor's Office or the complainant, due to the particular personal circumstances of the defendant, considers that only one measure should be applied, they shall request this procedure, in the manner and under the conditions provided for the indictment, also indicating the background and circumstances that motivate the request.

Article 429. SPECIAL RULES. The proceedings shall be governed by the ordinary rules, except for those set forth below:
1) when the accused is incapacitated, his powers shall be exercised by his legal representative, or failing that, by the person appointed by the court, with whom all proceedings shall be conducted, except for acts of a personal nature;
2) in the case provided for in the previous paragraph, the prior statement of the accused shall not be required in order to bring charges, but his legal representative or the person appointed in his stead may state whatever they deem appropriate for the defence of their client;
3) The procedure provided for herein shall never be conducted jointly with an ordinary procedure.
4) The trial shall be held in camera, without the presence of the accused, when this is impossible due to their condition or inconvenient for reasons of order, security or health, in which case they shall be represented for all purposes by their legal representative;
5) The judgment shall be either an acquittal or the application of a security measure; and
6) the rules relating to summary proceedings and conditional suspension of proceedings shall not apply.

Article 430. REJECTION. The judge may reject the request, on the grounds that a penalty should be applied, and order the indictment.

Article 431. TRANSFORMATION. If, during the trial, the court considers that a penalty should be applied, it shall order the indictment in accordance with the ordinary procedure.

TITLE VI
PROCEDURE FOR PUNISHABLE ACTS RELATED TO INDIGENOUS PEOPLES

Article 432. APPLICABILITY. When the accused is a member of and lives permanently in an indigenous community, or when the community or one of its resident members is the victim of the punishable act, the rules established in this Title shall apply.

Article 433. PREPARATORY STAGE. The preparatory stage shall be governed by the common provisions, with the following modifications:
1) the prosecutor's investigation shall be conducted with the mandatory assistance of a technical consultant specialising in indigenous issues, selected at random from the list provided for in this Title;
2) if preventive detention is ordered, the judge, at the time of the ex officio examination of the appropriateness of the measure, shall order, at the request of the defence counsel, an expert report on the living conditions of the defendant in prison that takes into account the cultural characteristics of the accused and, where appropriate, makes recommendations aimed at preventing cultural alienation; and
3) The investigation by the public prosecutor shall be supervised by the judge in the ordinary proceedings, who, before deciding on any essential issue, shall hear the opinion of an expert.

Article 434. INTERMEDIATE STAGE. During the intermediate stage, the following special rules shall apply:
1) Once the preparatory stage has been completed, the judge shall summon the Public Prosecutor's Office, the accused and the victim, together with members of the community designated by the latter, to a hearing so that, with the advice of the expert witness, they may draw up, by mutual agreement, a form of reparation, which may include any measure authorised by this code, or those accepted by the culture of the ethnic group, with the aim of bringing the proceedings to an end, provided that it does not violate the fundamental rights established in the Constitution and current international law;
2) if the parties freely reach an agreement, the judge shall approve it and suspend the proceedings, establishing precisely the rights and obligations of the parties, as well as the maximum period for reporting any breach; once the period has expired, if there have been no breaches, the criminal action shall be declared extinguished ex officio ;
3) If the parties do not reach an agreement or if the agreement is breached, the proceedings shall continue in accordance with the rules of ordinary procedure;
4) The termination of criminal proceedings is not subject to appeal; and
5) The statements made by the defendant at the hearing or their willingness to reach an agreement may in no case be taken into account as evidence of their guilt or admission of the existence of the act.

Article 435. THE TRIAL. The trial shall be conducted in accordance with the rules of ordinary procedure, with the following modifications:
1) a new expert witness shall be selected by lot;
2) provided that the principles and guarantees set forth in the Constitution, current international law, and this code are not affected, the court may, by reasoned

decision, make modifications to the procedure based on respect for the cultural characteristics of the defendant's ethnic group; the modifications shall be communicated to the parties sufficiently in advance;
3) before handing down the judgment, the expert witness shall produce a final opinion, which shall be assessed in accordance with the common rules; the expert witness shall participate in the judges' deliberations, with a voice but no vote; and
4) The judgement shall expressly state the customary law applied or invoked in the proceedings, both with regard to the resolution of the case and to the procedural modifications, with an assessment of its meaning and scope.

Article 436. APPEALS. The decisions of the judges or the court may be challenged by ordinary procedural means.

Article 437. ENFORCEMENT OF SENTENCES. When the sentence is a custodial sentence not exceeding two years, any legal representative of a community of the same ethnic group as the convicted person may submit to the enforcement judge an alternative for the enforcement of the sentence, so that it more effectively fulfils the constitutional purposes, respects the cultural identity of the convicted person and is more favourable to them.
The judge shall decide on the matter raised in an oral hearing to which the convicted person, the victim and the Public Prosecutor's Office shall be summoned.
If the proposal is accepted, the mechanisms to ensure compliance with the sentence shall be established with precision.

Article 438. EXPERTS. The Supreme Court of Justice, after a call for applications based on merit, shall draw up a list of experts, preferably anthropologists, who are knowledgeable about the different indigenous cultures and whose function shall be to provide technical advice in accordance with the provisions of this Title.
The list shall be communicated to the judges and the Public Prosecutor's Office.

TITLE VII
PROCEDURE FOR THE REDRESS OF DAMAGES

Article 439. ADMISSIBILITY. Once the sentence of conviction or the resolution imposing a security measure due to non-imputability has been handed down, the complainant or the Public Prosecutor's Office may request the judge to order the reparation of the damage caused or the corresponding compensation.

Article 440. DEFENDANT. The claim shall be brought against the convicted person or against the person to whom a security measure for improvement was applied.

Article 441. APPLICATION. The application shall contain:
1) the identity details of the claimant or their legal representative and their address

for service;
2) the identity of the defendant and the address where they are to be summoned;
3) a specific and detailed description of the damages suffered and the causal relationship with the proven punishable act;
4) the basis of the right invoked; and
5) a specific and detailed description of the relief sought or the exact amount of compensation sought.
The filing of the claim must be accompanied by a certified copy of the conviction or the sentence imposing the measure.
If the claimant does not know the defendant's identification details or the content of the contract for which a third party is liable, the claimant may request the judge to take preliminary steps to prepare the claim.

Article 442. ADMISSIBILITY. The judge shall examine the claim and, if any of the requirements set out in the previous article are missing, shall order the claimant to correct the formal defects within five days.
If the deadline expires without correction, the claim shall be rejected.
Similarly, when the claim for compensation is manifestly excessive, the judge shall order its correction within the same period and shall proceed in the same manner.
Before ruling on admissibility, the judge may order technical experts to assess the damage or the causal relationship.
The rejection of the claim shall be appealable. The rejection shall not prevent the filing of ordinary civil proceedings in the respective jurisdiction.

Article 443. ORDER FOR REDRESS OR COMPENSATION. Once the claim has been admitted, the judge shall issue an order for redress or compensation as requested.
The order shall contain:
1) the identity and address of the defendant;
2) the identity and address for service of the claimant and, where applicable, their representative;
3) the order to repair the damage, with a specific and detailed description thereof, or the
exact amount of compensation due;
4) the invitation to object to the order within ten days; and
5) the order to seize sufficient assets to satisfy the order and costs.

Article 444. BURDEN OF PROOF AND OBJECTION. The private prosecutor shall be responsible for proving the facts on which his claim is based.
The defendant may only object to the plaintiff's standing, the type of relief sought, and the amount of compensation.
The statement of objection must be substantiated and accompanied by all the evidence supporting the objection.

If no objection is made to the order within the established period, the order for reparation or compensation shall become final and the judge shall order its execution.
Once the objection has been filed, the judge shall summon the parties to a conciliation and evidence hearing within ten days.

Article 445. HEARING. On the appointed day, the judge shall hold the hearing, seek to conciliate the parties, produce the evidence offered and hear the grounds for their respective claims.
Failure of the claimant to appear shall result in the withdrawal of the claim and its dismissal. If the defendant fails to appear, the order for redress or compensation shall become final and shall be enforced.
If there are several defendants and one of them fails to appear, the defendant who failed to appear shall be bound by the outcome of the proceedings, without the possibility of challenging it.
Finally, the judge shall approve the agreements or issue a ruling on reparation or compensation for damages.

Article 446. APPEAL. The decision on reparation or compensation shall be subject to appeal.

Article 447. STATUTE OF LIMITATIONS. The action to claim reparation or compensation for damages through this special procedure shall be time-barred two years after the conviction or the decision imposing the measure becomes final.

Article 448. OTHER EFFECTS. Abandonment of this special procedure after the claim has been admitted shall result in the lapse of the proceedings and shall require the payment of costs.

BOOK THREE
APPEALS
TITLE I
GENERAL RULES

Article 449. GENERAL RULES. Judicial decisions may only be appealed by the means and in the cases expressly established, provided that they cause harm to the appellant.
The right to appeal shall correspond only to those to whom it is expressly granted. When the law does not distinguish between the various parties, the appeal may be lodged by any of them.

Article 450. CONDITIONS FOR FILING. Appeals shall be filed in accordance with the conditions of time and form determined in this code, with specific indication of the points of the decision being challenged.

Article 451. JOINING. Anyone who has the right to appeal may join, within the period of summons, the appeal granted to any of the parties, provided that they state the grounds on which it is based.

Article 452. APPEAL DURING HEARINGS. During hearings, only appeals for reconsideration shall be admissible, which shall be resolved immediately, without suspending the hearings.
The filing of the appeal shall also mean the reservation of the right to appeal or cassation, if the defect indicated is not remedied and the decision causes harm to the appellant.

Article 453. EXTENSIVE EFFECT. Where there are co-defendants, the appeal lodged by one of them shall also benefit the others, unless it is based on exclusively personal grounds.
In the event of multiple charges for different offences, the appeal lodged by one defendant shall benefit all of them, provided that it is based on the failure to observe procedural rules that also affect the others and not on exclusively personal grounds.

Article 454. SUSPENSIVE EFFECT. The decision shall not be enforced during the period for appeal and while the appeal is being processed, unless otherwise provided by law.

Article 455. WITHDRAWAL. The parties may withdraw the appeals lodged by them or their defence counsel, without prejudice to the other appellants, but they shall bear the costs. However, the withdrawal of an appeal shall prevent the progress of those who have joined it.
In order to withdraw an appeal, the defence counsel must have the express authorisation of the defendant.

Article 456. JURISDICTION. The court deciding the appeal shall be responsible for hearing the case, exclusively in relation to the points of the decision that have been challenged.

Article 457. REFORM TO THE DETRIMENT. When the decision has only been challenged by the defendant or their defence counsel, it may not be modified to their detriment.
Appeals lodged by either party shall allow the decision to be modified or revoked in favour of the defendant.

TITLE II
APPEAL FOR REVIEW

Article 458. ADMISSIBILITY. The appeal for reconsideration shall proceed only against decisions that resolve a procedural step or incident, so that the same

judge who issued them may re-examine the matter and issue the appropriate decision.

Article 459. PROCEDURE. Except when the appeal for reconsideration is raised at the hearing, it shall be filed within three days, in writing and with supporting arguments. The judge shall rule by order, after hearing the interested parties, within the same period.

Article 460. EFFECT. The decision shall be enforceable unless the appeal has been filed at the same time and in the same manner as a subsidiary appeal.

TITLE III
APPEAL
CHAPTER I
GENERAL APPEAL

Article 461. APPEALABLE DECISIONS. An appeal may be lodged against the following decisions:
1) provisional or final dismissal;
2) decisions suspending proceedings;
3) a decision on an incidental issue or an exception;
4) the order deciding on the admissibility of a precautionary measure or its replacement;
5) dismissal;
6) dismissal of the complaint;
7) the order declaring the extinction of the criminal action;
8) the judgment on compensation for damages;
9) the judgment handed down in summary proceedings;
10) the granting or refusal of parole or orders denying the extinction, commutation or suspension of the sentence; and,
11) against all those that cause irreparable harm, except where expressly declared non-appealable by this code.
The order to open proceedings shall not be subject to appeal.

Article 462. FILING. The general appeal shall be filed in writing, duly substantiated, before the same judge who issued the decision, within five days.
When the court of appeal is located in a place other than where the proceedings are filed, the appellants shall establish a new address for service in the notice of appeal.
When the appellant attempts to produce evidence in the second instance, they shall offer it together with the appeal document, specifically indicating the fact they intend to prove.

Article 463. SUMMONS AND REFERRAL. Once the appeal has been filed, with copies for transfer, the judge shall summon the other parties to respond to the appeal within a common period of five days and, where appropriate, offer evidence.
If there are any joinders during the summons, they shall be forwarded to the other parties so that they may respond to the joinder within the same period.
Then, without further ado and immediately, the proceedings shall be referred to the court of appeal for a decision.
Only copies of the relevant proceedings shall be forwarded, or a special file shall be created, so as not to delay the proceedings.
Exceptionally, the court of appeal may request other copies or the main file; this shall not imply a halt to the proceedings.

Article 464. PROCEDURE. Once the proceedings have been received by the court of appeals, it shall decide within ten days on the admissibility of the appeal and the merits of the issue raised, all in a single ruling.
If any party has offered evidence and the court deems it necessary and useful, it shall set an oral hearing within fifteen days of receiving the proceedings and shall decide immediately after the hearing.
The party who has offered evidence for the second instance shall be responsible for presenting such evidence at the hearing, and the court shall decide solely on the basis of the evidence presented and the witnesses present.
The clerk shall assist the party offering the evidence by issuing the necessary summonses or orders, which shall be served by the appellant.

Article 465. DECISION. The decision of the court of appeals shall be subject, where applicable, to the formalities provided for in the proceedings and judgments and, in any case, shall state the reasons for its decisions.

CHAPTER II
SPECIAL APPEAL OF THE JUDGMENT OF FIRST INSTANCE

Article 466. PURPOSE. A special appeal may only be lodged against final judgments handed down by the judge or the sentencing court in the oral trial.

Article 467. GROUNDS. An appeal against a final judgment shall only be admissible when it is based on the failure to observe or the erroneous application of a legal provision.
When the legal provision invoked as not observed or erroneously applied constitutes a procedural defect, the appeal shall only be admissible if the interested party has timely requested its correction or has reserved the right to appeal, except in cases of absolute nullity or when the judgment is flawed.

Article 468. FILING. The appeal shall be filed with the judge or court that issued the ruling, within ten days of notification, in writing and with supporting arguments, specifically and separately stating each ground with its basis and the desired outcome.
No other grounds may be adduced outside this period.
If the parties deem a public hearing necessary for the supplementary substantiation and discussion of the appeal, they must expressly request it.
When the proceedings have been initiated in a judicial district other than that of the seat of the court of appeal, the appellant, in the appeal document, and the other parties, when responding to the appeal or joining it, shall establish a new address for service.

Article 469. EVIDENCE. When the appeal is based on a procedural defect and the manner in which an act was carried out is disputed, as opposed to what is stated in the trial record or in the judgment, evidence may be offered for that purpose.
The evidence shall be offered when filing the appeal, when responding to it, or when joining it during the summons.

Article 470. SUMMONS AND REFERRAL. Once the appeal has been filed, the court that issued the contested decision shall summon the other parties to respond to the appeal within ten calendar days.
If an intervention has been made, it shall be summoned to respond within five days.
Once the deadlines have expired or all responses have been received, the judge or court shall immediately refer the proceedings to the court of appeals, without further formalities.

Article 471. ADMISSION AND RESOLUTION. Upon receipt of the proceedings, the court of appeal shall, if evidence has been offered, expressly requested a hearing on the merits, or, ex officio, convene a public hearing within fifteen days.
If no such hearing is convened, it shall examine the appeal and the joinders to decide on their admissibility and merits within fifteen days.
If it is declared inadmissible, the proceedings shall be returned.

Article 472. HEARING OF EVIDENCE OR ARGUMENTS. The hearing of evidence or arguments shall be governed, where applicable, by the rules generally provided for oral proceedings.
Whoever has offered evidence shall be responsible for presenting such evidence at the hearing, and the court shall decide solely on the basis of the evidence presented and the witnesses present.
At the supplementary hearing on the merits, the judges may freely question the appellants on the insufficient points of the merits or the solution they propose, on the doctrine supporting their claims or the case law precedents they have used,

and this shall not be construed as prejudging the case.
Failure to attend the hearing shall not result in the withdrawal of the appeal, but the person who requested it and fails to attend shall be liable for the costs.
The deliberation and judgment shall be governed by the rules of this code.

Article 473. REFERRAL. When it is not possible to directly remedy the failure to observe the law or its erroneous application, the court of appeals shall annul the judgement in whole or in part and order the retrial by another judge or court.
When the annulment is partial, the specific subject matter of the new trial shall be indicated.

Article 474. DIRECT DECISION. When the correct application of the law results in the acquittal of the defendant, the extinction of the criminal action, or it is evident that a new trial is not necessary to issue a new judgment, the court of appeals may decide directly, without referral.

Article 475. RECTIFICATION. Errors of law in the reasoning of the contested decision that have not influenced the operative part shall not annul it, but shall be corrected in the new sentence, as shall formal errors or omissions and those relating to the designation or calculation of penalties.
Likewise, the court, without annulling the appealed judgment, may provide additional reasoning.

Article 476. RELEASE OF THE ACCUSED. When, as a result of the decision on the appeal, the detention of the accused must cease, the court shall directly order their release.

TITLE IV
EXTRAORDINARY APPEAL

Article 477. PURPOSE. An extraordinary appeal may only be lodged against final judgments of the court of appeal or against decisions of that court that terminate the proceedings, extinguish the action or the sentence, or deny the extinction, commutation or suspension of the sentence.

Article 478. GROUNDS. The extraordinary appeal for cassation shall proceed exclusively:
1) when the sentence imposes a prison term of more than ten years and there is an allegation of non-compliance with or misapplication of a constitutional provision;
2) when the contested judgment or order is inconsistent with a previous ruling of a Court of Appeal or the Supreme Court of Justice; or,
3) when the judgment or order is manifestly unfounded.

Article 479. DIRECT APPEAL. When a first instance judgment may be challenged on any of the grounds set forth in the previous article, an extraordinary appeal may

be filed directly.
If the Criminal Chamber of the Supreme Court of Justice does not accept the direct cassation, it shall refer the proceedings to the competent court of appeals for a decision in accordance with the provisions for special appeals.
If appeals and direct cassations are filed in the same case, the proceedings shall first be sent to the Criminal Chamber of the Supreme Court for a decision.

Article 480. PROCEDURE AND RESOLUTION. The extraordinary appeal for cassation shall be filed with the Criminal Chamber of the Supreme Court of Justice. For the procedure and resolution of this appeal, the provisions relating to the appeal against the judgment shall apply analogously, except for the time limit for resolution, which shall be extended to a maximum of one month in all cases.

TITLE V
APPEAL FOR REVIEW

Article 481. ADMISSIBILITY. The review shall proceed against the final judgment, at any time, and solely in favour of the defendant, in the following cases:
1) when the facts on which the judgment is based are incompatible with those established by another final criminal judgment;
2) when the contested judgment is based on documentary evidence or testimonial evidence whose falsity has been declared in a subsequent final judgment or is evident even though there has been no subsequent proceeding;
3) when the conviction has been handed down as a result of malfeasance, bribery, violence or other fraudulent arguments, the existence of which has been declared in a subsequent final ruling;
4) when, after the judgment, new facts or evidence arise which, alone or in conjunction with those already examined in the proceedings, make it clear that the act did not exist, that the accused did not commit it, or that the act committed is not punishable or that a more favourable rule should be applied; or,
5) when a more lenient law or amnesty applies, or when there is a change in the jurisprudence of the Supreme Court of Justice that favours the convicted person.

Article 482. LEGITIMACY. The following may file an appeal:
1) the convicted person;
2) the spouse, cohabitant, or relative within the fourth degree of consanguinity or adoption, or second degree of affinity, if the convicted person has died; and,
3) the Public Prosecutor's Office on behalf of the convicted person.

Article 483. FILING. The appeal for review shall be filed in writing with the Criminal Chamber of the Supreme Court of Justice. It shall contain a specific reference to the grounds on which it is based and the applicable legal provisions. The evidence shall be offered together with the written appeal and the documentary evidence shall be attached.

Article 484. PROCEDURE. The rules established for appeals shall govern the processing of appeals for review, insofar as they are applicable.
The Criminal Chamber of the Supreme Court may order any inquiries and preparatory proceedings it deems useful and delegate their execution to any of its members. It may also produce evidence ex officio at the hearing.

Article 485. ANNULMENT OR REVIEW. The Criminal Chamber of the Supreme Court may annul the judgment, referring the case for a new trial when the case so requires, or directly pronounce the judgment when it results in an acquittal or the extinction of the action or the penalty, or when it is evident that a new trial is not necessary.

Article 486. REFERRAL. If the case is referred for a new trial, the judges who heard the annulled trial may not participate.
In the new trial, the sentence may not be modified as a result of a new assessment of the same facts as in the first trial, regardless of the grounds that made the review admissible.
The ruling handed down in the new trial may not contain a more severe penalty than that imposed in the first sentence.

Article 487. RESTITUTION. When the sentence is acquittal or declares the extinction of the criminal action, the restitution of the amount paid as a financial penalty and the confiscated objects shall be ordered.

Article 488. COMPENSATION. The new judgment shall decide ex officio on compensation for the convicted person in accordance with the provisions of this code.
Compensation may only be awarded to the convicted person or their heirs.

Article 489. REJECTION. The rejection of the application for review shall not prevent the filing of a new appeal based on different grounds.

BOOK FOUR
ENFORCEMENT
TITLE I
CRIMINAL ENFORCEMENT
CHAPTER I
GENERAL RULES

Article 490. RIGHTS. During enforcement, the convicted person may exercise all the rights and powers granted to them by law, submitting any observations they deem appropriate to the enforcement judge.

Article 491. DEFENCE. The work of the defence counsel shall end with the final judgement, without prejudice to the continuation of the technical defence during

the enforcement of the sentence; likewise, the convicted person may appoint a new defence counsel; failing that, a public defender shall be appointed ex officio.
The exercise of the defence during the enforcement of the sentence shall consist of advising the convicted person when he or she so requests and intervening in any incidents that may arise.
It shall not be the duty of the defence to monitor the enforcement of the sentence.

Article 492. GENERAL CONTROL OVER THE SENTENCE. The enforcement judge shall monitor compliance with the prison regime and respect for the constitutional purposes of the sentence; among other measures, he shall order inspections of prison establishments and may summon convicted persons or prison system officials to appear before him for the purposes of supervision and control.
Before release, the relevant authority shall seek to resolve the problems that the convicted person will face immediately after regaining their freedom, whenever possible.
It shall also cooperate so that prison or post-prison assistance entities can carry out their tasks of assistance and solidarity with convicts.

CHAPTER II
SENTENCES

Article 493. ENFORCEABILITY. The conviction must be final in order to be enforced. Once it is final, the corresponding communications and registrations shall be ordered and the case files shall be forwarded to the enforcement judge to proceed in accordance with this Book.
When the convicted person is to serve a custodial sentence, the enforcement judge shall forward the official notice of enforcement of the judgment to the institution where the sentence is to be served.
If the convicted person is at liberty, the necessary measures shall be taken to ensure their appearance or capture, and once apprehended, the appropriate proceedings shall be carried out.
The judge shall order all necessary measures to be taken to comply with the ancillary effects of the sentence.

Article 494. FINAL CALCULATION. The enforcement judge shall review the calculation made in the sentence, taking into account the deprivation of liberty suffered by the convicted person from the day of the restriction of liberty, in order to determine precisely the date on which the sentence will end and, where appropriate, the date from which the convicted person may apply for parole or rehabilitation.
The calculation shall always be subject to review, even ex officio, if an error is found or when new circumstances make it necessary.

Article 495. INCIDENTS. The Public Prosecutor's Office, the convicted person or the victim, as the case may be, may raise incidents relating to the enforcement and extinction of the sentence.
The enforcement judge shall resolve them, after hearing the interested parties, unless there is evidence to be produced, in which case the incident shall be opened for evidence.
Incidents relating to early release and all those which, due to their importance, the judge deems necessary, shall be resolved in an oral and public hearing, summoning the witnesses and experts who are to give evidence.
The judge shall decide by means of a reasoned order, which may be appealed, the filing of which shall not suspend the execution of the sentence, unless so ordered by the court of appeal.

Article 496. PAROLE. The director of the prison shall send the judge the reports necessary to decide on parole one month before the expiry of the period set when calculating the sentence.
The parole incident may be brought by the convicted person, by the defence counsel or ex officio, in which case the judge shall summon the director of the institution to submit the reports referred to in the previous paragraph.
When the convicted person initiates the proceedings directly before the director of the institution, the latter shall immediately forward the request, setting the date on which the director shall submit the report.
The judge may reject the request without further proceedings when it is manifestly inadmissible or when he considers that not enough time has elapsed for the conditions that led to the previous rejection to have changed.
When release is granted, the order granting it shall set out the conditions and instructions, as established by law. The released person shall establish a residence and receive a certificate stating that they are on parole.
The judge shall monitor compliance with the conditions imposed, which may be amended ex officio or at the request of the convicted person.

Article 497. REVOCATION OF PAROLE. Parole may be revoked for failure to comply with the conditions or when it is no longer appropriate due to the consolidation of sentences or penalties.
The revocation proceedings shall be initiated ex officio or at the request of the Public Prosecutor's Office.
If the convicted person cannot be found, the judge shall order their arrest. When the proceedings are carried out in the presence of the convicted person, the judge may order that they be kept in custody until the matter is resolved.
The judge shall decide by means of a reasoned order and, where appropriate, shall make a new calculation.
The order revoking parole is appealable.

Article 498. FINE. If the convicted person does not pay the fine within the period set by the sentence, they shall be summoned to indicate whether they intend to substitute the fine with voluntary work in public assistance institutions or community service, request a period of time to pay it, or deliver sufficient assets to cover it. The judge may authorise payment in instalments.
If necessary, the judge shall proceed with the seizure and public sale of the seized property, in accordance with the Code of Civil Procedure, or shall enforce the bonds.
If it is necessary to convert the fine into imprisonment, the judge shall summon the Public Prosecutor's Office, the convicted person and their defence counsel to a hearing, hear those who attend, and decide by means of a reasoned order. Once the fine has been converted into imprisonment, the arrest of the convicted person shall be ordered.

Article 499. PARDON AND COMMUTATION. The President of the Republic shall forward to the Supreme Court of Justice a certified copy of the decision granting a pardon or commutation of the sentence.
Upon receipt of the communication, the Supreme Court of Justice shall forward the case file to the enforcement judge, who shall immediately order the release or make a new calculation.

Article 500. MORE BENIGN LAW. AMNESTY. When the enforcement judge finds that the sentence imposed, or the conditions for its enforcement, should be rendered ineffective or modified because a more benign law or an amnesty has come into force, he shall, ex officio, promote the review of the sentence before the Supreme Court of Justice.

CHAPTER III
MEASURES

Article 501. REFERRAL AND SPECIAL RULES. The rules established in the previous chapter shall govern the measures insofar as they are applicable.
However, the following provisions shall be observed:
1) in the event of incapacity, the legal representative shall intervene and shall be responsible for monitoring the execution of the measure;
2) the court shall determine the appropriate facility for the execution of the measure and may modify its decision, including at the request of the legal representative or the management of the facility; it may seek the advice of experts appointed for that purpose;
3) the enforcement judge shall examine the situation of the person subject to a measure, in accordance with the rules established in Article 76 of the Criminal Code; each review shall be carried out in an oral hearing, behind closed doors, following a report from the facility and experts; the decision shall concern the

termination or continuation of the measure and, in the latter case, may modify the treatment or change the facility in which it is carried out; and,
4) when the enforcement judge becomes aware, through a substantiated report, that the causes that led to the internment have disappeared, he or she shall immediately convene the hearing provided for in the previous paragraph.

TITLE II
CIVIL ENFORCEMENT

Article 502. PROCEDURE FOR COMPENSATION FOR DAMAGES. The court that issued the judgment for compensation for damages, in accordance with the special procedure provided for in this code, shall be responsible for its enforcement.

Article 503. CONCILIATION. When the parties reach an agreement on the reparation of damages, which results in the termination of the criminal action, the court that declares it shall order everything necessary to ensure compliance with the approved agreements.

Article 504. REFERRAL. In all matters relating to civil enforcement, the rules set forth in the Code of Civil Procedure shall apply analogously.

Article 505. ENTRY INTO FORCE. This Code shall enter into force one year after its promulgation.

Article 506. Communicate to the Executive Branch.

The Bill was approved by the Honourable Chamber of Senators on the twenty-sixth day of May of the year nineteen hundred and ninety-eight and by the Honourable Chamber of Deputies on the eighteenth day of June of the year nineteen hundred and ninety-eight, and was enacted in accordance with Article 204 of the National Constitution.